



**Testimony of Becky Straus, Legislative Director
Regarding HB 2131
House Health Care Committee
February 6, 2013**

Chair Greenlick and Members of the Committee:

Thank you for the opportunity to share some concerns regarding HB 2131, which would prohibit disclosure of certain records about bedbug infestations in Oregon. My understanding is that there is a pending amendment that would limit the type of records that are confidential to those that are submitted by pest exterminator companies. My comments address the bill with that pending amendment.

Bed bugs are a serious threat to public health and state and local governments should have the tools they need to address it. The question before the committee is how to balance the right of the public to have access to records that the public agencies have obtained pursuant to the operation of government with the interest of the public health authority to remove perceived barriers to obtaining such records for the purpose of addressing urgent public health issues. In our view, the resolution of this tension should favor government transparency and the right of the public to access records of businesses or properties that have, or had previously, a bed bug infestation.

First, HB 2131 does not propose to require pest exterminators to report infestations to a public health authority, as defined in the bill. So one concern is that the enactment of a bill to make these records confidential may not actually yield any new reporting.

Second, such a mandate – to require pest exterminators to report to the authority – would serve the interest of both public health and public records access because the authority would have the data set it is seeking and the public, too, would have access to information that, in truth, might have an even more immediate impact on that person's individual health, as that person could make an informed decision about what hotel to visit or where to dine. A mandate may be an alternate approach to HB 2131.

Finally, existing public records law may alleviate the need for HB 2131. ORS 192.502(4) allows that "Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure." The provision allows for confidentiality, subject to a weighing test on a case by case basis.

Thank you for the opportunity to share our concerns and for considering these points. Please feel free to contact me at any time with comments or questions.