



HB 2321— Relating to agency actions affecting the environment.

Testimony to House Committee on Energy and the Environment

12 March 2013, HR - D

Honorable Committee Members:

Oregonians for Food & Shelter (OFS) is a grassroots coalition of farmers, foresters, and other technology users focused on natural resource issues involving pesticides, fertilizer, and biotechnology. We are writing you today in regards to HB 2321 which would put substantial new requirements on state agencies in regards to Environmental Impact Statements (EISs). We are concerned with the effect this legislation would have on our already stretched state agencies, especially our natural resource agencies.

OFS fully agrees that protection of our environment is important for all Oregonians, but HB 2321 is not the appropriate way to do so. In an era of shrinking state budgets, our natural resource agencies have been hit extremely hard. The Oregon Department of Agriculture (ODA), Oregon Department of Forestry (ODF), and the Department of Environmental Quality (DEQ) have taken a disproportionate hit under the last few rounds of budget cuts. Unfortunately these are also the three agencies that would likely see the largest new bureaucratic burden under this bill. Formal EISs take substantial time and resources to complete, and it really needs to be considered if this cost delivers any appreciable benefit. We are disappointed to see that the fiscal review for this bill is not available yet. The costs to the agencies for performing such comprehensive reviews must be considered.

Additionally there are some technical flaws with HB 2123. Under Section 2, Subsection (3), the bill requires an EIS whenever a state agency submits a *"...recommendation or report on proposals for major state actions significantly affecting the quality of the environment..."*. The problem is that the bill does not define "major state actions" or "significantly affecting". This could lead to a disastrous and expensive scenario in which nearly every state agency action could require an EIS. Even more broadly Section 3, Subsection (4) requires state agencies to, *"Study, develop and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available natural resources."* We can think of few issues surrounding natural resource use that don't have at least some unresolved conflict. This means that state agencies would need to do a full study and recommend alternatives for nearly any action they take that involves natural resources.

While we appreciate the provisions in Section 3 that allow for an association to challenge an EIS, we think this could lead to contested hearings on most EISs and greatly slow down important natural resource agency initiatives.



We strongly believe that ODA, ODF, and DEQ already consider environmental impacts as they shape their policies and recommendations. In our experience they reach out to stakeholders and make attempts to address any concerns. All HB 2321 does is add a formalized process that makes things more bureaucratic without adding any appreciable benefit. Let's encourage our natural resource agencies to continue their good work, not add unfunded new burdens for them.

Thank you for your consideration

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Executive Director