

OREGON EARTHQUAKE AWARENESS™

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"WE HAVE NOTHING TO FEAR BUT SHEAR ITSELF"™

January 18, 2006

Governor Theodore R. Kulongoski
State Capitol
Salem, Oregon 97310-0722

Dear Governor Kulongoski:

I am writing to articulate some serious concerns about a state agency, the Oregon Department of Geology and Mineral Industries (DOGAMI). I believe their ineffective and arrogant actions (which have revolved around securing agency funding) have made Oregonians less safe from natural hazards (particularly earthquakes); than the logical conclusions from the years (and now decades) of scientific research would reasonably dictate.

Nowhere is this more clearly evident than in DOGAMI's *usurpation* of a truly structural engineering and Building Codes Division expertise – i.e. in the seismic safety of existing buildings. By this action, which they promoted into statute in the 2001 (SB 14, 15) and 2005 (SB 2, 3) legislative sessions; they have continued to ignore and continued to *enable* the weakening of the earthquake building codes for new construction in our state - by the deliberately neglectful and politically motivated Building Codes Division (which adopts them), under the Department of Business and Consumer Services.

What is perhaps the most troubling is the fact that SB 14 & 15 (2001) and SB 2 (2005) are truly in conflict; a fact ignored by DOGAMI, their Governing Board, the Oregon Seismic Safety Policy Advisory Commission (of which they are a member), and the 2004 Earthquake GOBOND Task Force (of which they were the organizer).

In promoting themselves and their statewide and national influence; their actions are, unfortunately, having the very opposite effect assumed. Contrary to DOGAMI's more "glitzy and glamorous" claims, they are postponing meaningful progress in greater public safety and effective public policy.

Nowhere was this more poignant than in the aftermath of the December 26, 2005 Indonesian M 9 earthquake and devastating tsunami, which killed around 250,000 people. Rather than use the opportunity for a call-to-action or a teachable moment, their coastal geologist, George Priest, told the Seismic Safety Commission that we probably had 50 years to get ready! . . . well *Yawn*.

I believe the root cause of this derelict agency behavior and its crushing effect on meaningful public safety (particularly that of building occupants) lies mainly in their claim to be "an independent agency". The result is a very small piece of the General Fund pie, an unfocused mission, and a lack of oversight.

The agency response that has developed to this situation is to deliberately "write themselves into statute", as their claim to General Fund support. They are constantly reinventing themselves and expanding their statutory responsibilities. This they have done for more than a quarter century! Then they perpetually cycle through the Emergency Board, to mine what additional funding scraps might be available. They lobby both Congress and our state legislature to fund them – even registering themselves as lobbyists at the Federal level in Washington D.C.

This behavior has gives them a “pulse” – but at the same time makes them “brain dead” to the ethics and responsibilities that come with the special knowledge they possess. People who have special knowledge also have an ethical responsibility to use that knowledge to protect the public from harm; since the public does not have that knowledge.

DOGAMI displays a “split personality”. They want the research dollars, they want the prestige, and they seem to delight in their seismic prominence role in Oregon– but they are unwilling and incapable of exercising any real leadership. They seem to rationalize (and they have often stated) “that science does not dictate policy”. Their actions follow whatever political winds blow, and they do not want to be accountable for what they know.

That is why the public has had to fight them for necessary improvements to seismic safety. Public action was responsible for upgrading the Oregon Building Code to Seismic Zone 4 along the coast – mostly due to the efforts of only four individuals (that’s one less than the number of their Governing Board members!). The public (myself), the Director of the Building Codes Division (Joe Brewer), and the chair of the Building Codes Structures Board (Jack Talbott) had to drive to their Governing Board meeting in Newport to force the Board to overrule the Department’s foot-dragging and “let’s go slow” policy to support the Seismic Zone change back in 1998.

Most recently, at the January 10, 2006 meeting of the Oregon Seismic Safety Policy Advisory Commission, the DOGAMI representative, Yumei Wang, was forbidden by the state geologist from discussing DOGAMI’s “Seismic Risk Assessment” final Work Plan – again a leverage instrument for DOGAMI to secure an additional \$100,000 in General Fund funding from the Emergency Board. The agency’s request letter was dated December 13, 2005, a full month before the OSSPAC meeting!

I believe that the agency’s impediments to meaningful and effective earthquake safety policy in Oregon need to be corrected by reconsideration of DOGAMI’s role in state government. They have a Governing Board who is not professionally qualified to direct a science- based agency, and that Board has since 1977 always promoted the state geologist from within the ranks – and nothing has changed!

An inefficiency and lack of accountability and responsibility

DOGAMI has long secured a key leadership position to safeguard Oregonians with seismic information and responsible action. Instead they have, to the contrary, been long ineffective and unwilling to take a meaningful leadership role. The agency keeps trying to expand its scope of responsibility, which now has grown so disproportional within the state (usurping now “building” safety); that they have become *comfortable* in being even less responsive and more inefficient in fulfilling these obligations: the *more* responsibility, the *more* funding, the *more* arrogant they become in violating public trust.

Therefore, I am requesting that you direct the Emergency Board not to grant them additional funding pursuant to their December 13, 2005 request for \$100,000 additional funds related to SB 2. Their actions have continued to be exploitive and irresponsible; thus they do not deserve continued financial support – let alone expansion of additional oversight duties.

Respectfully submitted,

James Bela
President & Founder
Oregon Earthquake Awareness

Education [and government] is not the filling of a pail,
but the lighting of a fire.

- William Butler Yeats