



OREGON
ASSOCIATION OF
NURSERIES



OREGON FOREST &
INDUSTRIES COUNCIL
SUSTAINABILITY SCIENCE INNOVATION GROWTH



HB 2669 Community Right to Know

An unnecessary, costly bill that will not produce any positive environmental outcomes.

Oregon's environment is one of our great assets and nobody has a more urgent mandate to act in an environmentally responsible way than Oregon businesses. Our values and those of our workers and the communities we call home demand no less. That is why in 1999, we agreed with legislative leadership and the Governor's office to create a process for allowing communities the authority to establish and implement local community right to know ordinances. Those processes are found in ORS 453.370.

Environmental activists are now trying to undo that agreement and remove important process steps for establishing local regulatory programs that could compromise important business information, limit input from experts, increase reporting costs, and burden local governments and law abiding Oregon businesses.

For those reasons, and the reasons below, we urge you to oppose HB 2669:

- Proposes to amend a long-standing agreement struck in 1999 outlined in ORS 453.370. That agreement – existing law – authorizes local governments to establish community right to know regulatory programs of the kind found in Eugene.
- Businesses already publicly report hundreds of chemicals that are stored and released from facilities, through state air and water permits, State Fire Marshal reports, federal toxics release inventories, and others. In addition, businesses are constantly improving processes to reduce chemical use and to reduce input and regulatory costs (*as required under Oregon's landmark Toxics Use and Hazardous Waste Reduction Act*).

- Proponents are vying to change important public process, record, and funding protections already agreed upon, including:
 - Removing the requirement that local governments demonstrate the need for the program because other similar state and federal programs do not already exist that will provide substantially the same information;
 - Removing protections for sensitive business information, including trade secrets;
 - Removing the requirement that Department of Environmental Quality (DEQ), Oregon Health Authority (OHA), and the State Fire Marshal have an opportunity to provide comment;
 - Adding new mass balance data mandates, requiring reporting of chemicals down to the .02 pounds; and
 - Increasing fee caps by 5 times, from \$2,000 to \$10,000.
- Proponents have not demonstrated any need to go back on the original agreement, including any evidence that a local government has tried to adopt an ordinance similar to Eugene's. Similarly, the City of Eugene has not talked to the regulated community about how the program could be improved, nor has it explained what new authority it needs to fulfill its mission. **All the changes are unnecessary!**
- Following the 1999 legislative agreement, DEQ convened a workgroup that made the following consensus recommendations: (1) Integrating data reporting on the front end of state and federal programs would be useful, (2) Oregon needs new, proactive, and innovative ways of accurately communicating hazardous substance data to the public, (3) State agencies need to evaluate current and future environmental program priorities to ascertain the scope of additional data needs, and (4) The state should pursue a range of data quality improvement measures. None of those suggestions are included in this bill.
- Lastly, well intentioned programs - like this - can lead to poor outcomes. Requiring law-abiding businesses to go through the expense of reporting this information that will not improve any environmental outcome, yet will consume important resources that will likely be necessary to comply with new air quality regulations.

Keeping important public processes and business protections in place are important to us all. Businesses urge you to oppose costly new regulation that could result from passage of HB 2669.