



OREGON
ASSOCIATION OF
NURSERIES

**Testimony before the House Higher Education and Workforce Development Committee
House Bill 3337 – relating to landscape construction**

By Jeff Stone, Executive Director, Oregon Association of Nurseries
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Chair Reardon, Vice-Chairs Alonso Leon and Whisnant, members of the committee, my name is Jeff Stone and I serve as the Executive Director of the Oregon Association of Nurseries. The OAN opposes HB 3337, which creates a new limited landscape construction professional license that would allow the licensee to perform work on landscape projects of up to \$8,000 in a 12-month period without any knowledge or experience in landscape construction.

HB 3337 places burdens on landscape contractors

Numerous members of the Oregon Association of Nurseries are also licensed landscape contractors. These members, and licensed landscape contractors across the state, sometimes engage in electrical work related to low-voltage lighting and irrigation systems as part of their landscape projects. They also handle the planting, moving and pruning of trees. Licensed landscape contractors are granted an exemption by the Electrical and Elevator Board for the electrical work they do, and they receive an exemption from the Construction Contractors Board for their work on trees. These exemptions are granted because the current landscape construction professional license requires extensive experience, continuing education and passage of a rigorous examination.

The limited landscape construction professional license created by HB 3337 would grant individuals without any certification of knowledge or experience the ability perform such electrical work and tree work under these exemptions. Allowing inexperienced individuals to perform this type of work has the potential to produce complaints and lawsuits that could jeopardize the exemptions from the Electrical and Elevator Board and the Construction Contractors Board that fully-licensed landscape contractors rely on.

HB 3337 could potentially put customers at risk of property damage

One of the primary reasons behind the landscape construction professional license is consumer protection. Poor drainage design and faulty installation of sprinkler and irrigation systems could result in the flooding of a customer's property or home. Improper selection, placement and planting of trees could also result in property damage. A poorly constructed deck or retaining

wall could collapse, potentially injuring a customer or exposing them to liability. Such hazards are an unavoidable part of landscape construction work, and the landscape construction professional license requires proof of experience, continuing education and the passage of an exam specifically to help protect consumers from these scenarios. Under HB 3337, individuals would be allowed to complete such projects without the experience or knowledge necessary to protect consumers and their property.

HB 3337 impugns the environment ethics of landscapers

The landscape contractor’s professional license is also an important tool for environmental protection. Landscape contractors frequently work with pesticides, and improper application of pesticides can be harmful to pollinators and other animals that come into contact with them. Selecting the wrong plants for the soil and light conditions of a given landscape project can not only kill those plants, it can also lead a customer to conclude that their dead plants are the fault of the nursery where the plants were purchased rather than the result of improper planting practices. Additionally, landscape contractors have experience designing projects in ways that maximize water conservation. Amateur landscaping work could lead to the needless wasting of this precious resource.

HB 3337 should reward experience of contractors – not detract from it

HB 3337 creates a limited landscape construction professional license that would allow individuals to engage in technical landscape construction work without any knowledge or experience. The elimination of the crucial education and examination requirements necessary for licensure jeopardizes consumers and their property, undermines the reputation of the landscape construction industry and poses a threat to our environment. The Oregon Association of Nurseries respectfully requests that the members of the House Higher Education and Workforce Development Committee oppose the bill.

Thank you for your time and attention to this important issue.