



VOTE NO ON HB 3312

Oregon is a leader in environmental protection. To that end, policy makers have introduced HB 3312 which directs the Department of Environmental Quality (“DEQ”) to adopt rules establishing environmental regulations at least as stringent as those established under federal law as of January 19, 2017. Presumably, this is to avoid environmental regulatory “roll-backs” that some believe will occur under the Trump administration. While this may make for good political theater, it makes for bad policy.

- Title 40 of the United States Code of Federal Regulations (“CFR”) is comprised of 37 volumes and tens of thousands of pages. No Oregon lawmaker has comprehensive knowledge of the “standards and regulations” that HB 3312 directs DEQ to fold into Oregon law. This is a recipe for bad law with significant unintended consequences.
- Many federal regulatory programs do not have a state analogue. For example, the Toxic Substances Control Act; the Federal Insecticide, Fungicide and Rodenticide Act; and the Federal Oil Pollution Act of 1990 are all implemented by regulation in Title 40 of the CFR. None of these programs exist under Oregon law. Either HB 3312 purports to create new environmental laws in the most haphazard manner possible, or it directs DEQ to enact regulations implementing programs for which DEQ has no statutory authority.
- Many federal programs address issues that are handled in very different ways under state law and contain very different jurisdictional triggers. For example, Oregon’s cleanup laws approach environmental contamination and liability in fundamentally different ways than the federal statutes. Even among similar programs, federal jurisdiction is vastly different than state jurisdiction, adding additional complexity to the analysis. Reconciling these programs and making the state regulatory regimes as “stringent” will be difficult and threatens to prompt significant litigation.

- The proposed rulemaking would consume vast agency resources. As highlighted above, folding the myriad air, water, land, and cleanup regulations with attendant penalties into Oregon law will require hundreds of thousands of staff hours. The resources required to complete a rulemaking of this magnitude would be better spent on the ground improving Oregon's environment.
- Oregon's laws should be driven by science, not politics. To the degree that any state program does not sufficiently protect the environment, then Oregon lawmakers should enact affirmative law requiring additional protection. Federal regulations, under fundamentally different statutory regimes, do not make a good proxy for environmental protection.

The undersigned urge you to **VOTE NO on HB 3312** (including the -1 amendment) because it is an unwise, expensive, and altogether unnecessary policy for Oregon.

American Chemistry
American Forest & Paper Association
American Wood Council
Associated General contractors
Associated Oregon Industries
Associated Oregon Loggers
Carpenters Industrial Council
Northwest Food Processors Association
Oregon Association of Nurseries
Oregon Business Association
Oregon Cattlemen's Association
Oregon Concrete & Aggregate
Oregon Dairy Farmers Association
Oregon Farm Bureau
Oregon Fuels Association
Oregon Home Builders Association
Oregon Metals Industry Council
Oregon Seed Council
Oregon State Chamber of Commerce
Oregon Trucking Association
Oregon Water Resources Congress
Oregon Wheat Growers League
Oregon Women for Agriculture
Oregonians for Food and Shelter