

# **OREGON TRIAL LAWYERS ASSOCIATION**

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**Testimony of Arthur Towers  
Before the Senate Committee on Rules  
In Opposition to SB 644  
June 26, 2017**

Thank you for the opportunity to testify today. We are concerned about the provisions in SB 644 that exempt mining operations from liability for injuries and damages they cause.

Section 14(1) effectively creates a type of immunity, but goes further to provide in that compliance with a permit is a complete defense to negligent and ultra-hazardous actions. So if a miner gets a permit but trashes the abutting or downstream property owner's land, air, or water, the miner is immune unless it was intentional. Section 14(2) goes one step further by creating prevailing-party attorney fees. So any person who sues in trespass or nuisance would be at risk for having to pay attorney fees if the plaintiff sued and lost. This has a chilling effect on people who have been harmed from seeking compensation by a big and powerful interest.

We are concerned this creates a dangerous precedent for other extraction industries.