

**Testimony of Randy Tucker, Legislative Affairs Manager
In Opposition to House Bill 3084
House Committee on Revenue
May 23, 2019**



Chair Nathanson and Members of the Committee:

Metro is the regional government of the Portland metropolitan area, with major responsibilities for managing the region's solid waste and providing opportunities for recycling and waste reduction. Metro serves a population of more than 1.6 million, providing services and educational resources that protect the environment and reduce the amount and toxicity of the solid waste stream.

The Metro Council urges you not to move House Bill 3084 forward for several reasons.

First, HB 3084 was presented to you as being entirely about Metro and its plans to tax certain wastes. However, the fundamental rationale for the bill is entirely without foundation. **Metro does not impose, and has no plans to impose, fees or taxes on materials that are used as approved "alternative daily cover" (ADC). The Metro Council most recently decided not to tax ADC just last year, and Metro has no plans to revisit this question in the foreseeable future.** I have submitted materials for the record that describe the extensive process that led to that decision, including a stakeholder committee and a consultant report. You may also consult a memo I sent to the House Natural Resources Committee (see the submittal in my name dated March 26 on the HB 3084 "meeting materials" page).

Second, there is much more complexity to the issue of alternative daily cover than is portrayed by the proponents of HB 3084. A letter from the Department of Environmental Quality on OLIS makes it clear that the state does not view ADC as recycling or recovery. The DEQ letter also notes that there is a glut of waste materials in line to be approved of as ADC, with a large amount coming from other states. There is no need to create any additional incentive for the creation or use or importation of ADC.

Third, the Metro Council, like most local governments, strongly opposes pre-emption of local authority, especially in areas that are squarely in our area of responsibility, and with no policy justification or public benefit. The apparent intent of the primary advocate of this bill is to pre-empt any government entity, including Metro. It seems especially inappropriate to change state law to enact a statewide tax pre-emption at the request of a single business owner who has never been charged that tax and who has no reasonable expectation of ever being charged that tax.

In conclusion, this bill purports to address a problem that does not exist.

Metro urges you to reject HB 3084.