



City of Tualatin

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February 10, 2020

Representative Ken Helm
House Committee On Water
Oregon State Legislature
900 Court St. NE, H-490
Salem, OR 97301

Dear Representative Helm,

The City of Tualatin, home to 27,000 residents, is opposed to the legislation contained in House Bill 4043 that would preempt local governments from adopting any ordinance, resolution, rule, or other law to prohibit, restrict, or limit an evaluation, comparison, or use of pipe or piping materials for a water or wastewater project.

We believe local governments, local water providers, and local utilities should have control over the materials used in the water supply and sewer collection systems that serve our communities.

The legislation contained in House Bill 4043 would inhibit our ability to control our water and wastewater system. It would likely result in higher costs, more administrative burden when selecting the most appropriate pipe for our specific water and wastewater systems, and potentially create less safe systems that would not last as long as they are needed.

While we recognize that every kind of pipe has appropriate applications, not all kinds of pipe are equally appropriate for all applications. We believe it is critical that utilities and their design engineers be able to specify the kind of pipe they consider most appropriate for each particular project in their community.

Keeping the selection of materials in the hands of design engineers and local utilities is necessary if we are to have water and wastewater pipes that reliably do the job they are intended to do for the length of time planned by the design professionals.

We oppose House Bill 4043 for numerous reasons, including:

- The selection of materials must be the responsibility of local utilities and design professionals who understand the unique characteristics of the project, the community, and the function of the infrastructure in question.
- The bill implies that all water pipe materials are equal as long as they meet the minimum AWWA and/or ASTM standards, but pipe materials have significantly

different characteristics and are not equally appropriate for all applications. It should be up to each individual utility to determine which is best for their system.

- The legislation will likely lead to a significant increase in bid protests and litigation over pipe selection on public projects, thereby delaying projects and wasting limited public resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Fuchs", with a long horizontal flourish extending to the right.

Jeffrey Fuchs, PE
City of Tualatin
Public Works Director