



NEILSON RESEARCH CORPORATION

Environmental Testing Laboratory

February 10, 2020

House Committee on Water
Representative Ken Helm, Chair
Email: hwtr.exhibits@oregonlegislature.gov

Re: HB 4077 – Safe Well Water Bill – OPPOSE

Neilson Research Corporation is the largest full service environmental testing laboratory in Oregon. We are accredited under the Safe Drinking Water Act (SWA), Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA) by Oregon Environmental Laboratory Accreditation Program (ORELAP).

Below are the some of our concerns with HB 4077:

Amendment to add E. coli

E.coli is part of the standard test and does not need to be added to this bill. Laboratories are already providing E. coli along with the coliform bacteria data. Most laboratories use test method Colilert or Colisure which both simultaneously detects or quantifies total coliforms and *Escherichia coli*, with results in 18 or 24 hours.

Removes requirement that seller submit results of groundwater testing within 90 days to buyer and to OHA.

To completely remove this requirement from the seller would violate the law of full disclosure to a buyer from the seller for the sale of a home. One of the most valuable pieces of information a buyer can obtain is the well water data that they will be providing their family.

We agree that 90 days (333-061-0325) is too long for the seller to have to provide this data because most homes close within 45 days. We would like to see the current language changed from:

The seller, or seller's designee, must submit the results of the required tests to the Authority and to the buyer within 90 days of receiving the results of the tests."

to

"The seller, or seller's designee, must submit the results of the required tests to the Authority and to the buyer within 10 days of receiving the results of the tests."

The Laboratory shall report test results electronically to the DEQ, seller and buyer.

This would be nearly impossible for our laboratory to fulfill. We receive 75% of our real estate samples (Coliform, Arsenic & Nitrate) from pump companies. This is because ORS 448.271 states:

333-061-0335 Sample Collection

Only persons who have knowledge of appropriate procedures for the collection and handling of the water samples for arsenic, nitrate, and total coliform bacteria and who have experience in this are shall collect the samples. These persons include Registered Sanitarians, certified water system operators, well drillers, pump installers and lab technicians.

With this requirement it protects the buyer from a seller or seller designee that may collect water and falsify how or where the sample was collected or the final results.

Regarding the electronic submission, we do not know who the seller is, who the buyer is or if the sample has been submitted for a refinance, the sale of a home or just simply for homeowner knowledge. We do not interrogate our clients as to why they are testing their water. That would be an invasion of their right to privacy.

The laboratory data is valid for one full year from the time of collection if it is associated with the sale of a home. If tests are taken before there is even an interested buyer, which we recommend, then how can the laboratory submit data to the buyer when there isn't one? Again, only the seller knows this information, not the laboratory.

We are under very strict guidelines from ORELAP to keep our client's data confidential and we cannot submit data to anyone or any entity without client authorization. With HB 4077 we would be in violation of our laboratories accreditation program as well as our own laboratories confidentiality and ethics policies.

If required by law to provide electronic data, we would be forced to hire new personnel and therefore we would have to raise the price of the analysis to fulfil this requirement. It would also require an initial expense to have our software programmed to create the electronic data into the exact specifications. The DEQ has been working with labs on electronic formatting for wastewater for years and it is still not working for everybody.

In summary, HB 4077 does not benefit the health and safety of Oregonians. The bill simply adds a test that is already provided, takes away the requirement of the seller to provide much needed data to the buyer and changes the way the data is already submitted to a method that absolutely will not work. This house bill will endanger the health and safety of the citizens of Oregon, new home owners, and potentially new renters. We strongly request that you do not move forward on HB 4077.

Sincerely
NEILSON RESEARCH CORPORATION



Kimberly Ramsay
Vice President