



PUBLIC HEALTH DIVISION
Center for Health Protection, Drinking Water Services
Kate Brown, Governor

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Health
Authority

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Date: May 20, 2021

TO: The Honorable Representative Brian Clem, Chair
House Special Committee on Wildfire Recovery

FROM: André Ourso, Administrator
Center for Health Protection, Public Health Division
Oregon Health Authority

SUBJECT: House Bill 3126- 1

Chair Clem and members of the committee; I am André Ourso, Administrator of the Center for Health Protection, Public Health Division at the Oregon Health Authority (OHA). Thank you for the opportunity to submit testimony regarding our review of the -1 proposed amendment to HB 3126. While OHA has no position on the bill we recognize the proposed language in the amendment will expedite the process to ensure the provision of drinking water in a territory impacted by wildfire and within an area of a declared state of emergency.

The Drinking Water program within the Public Health Division regulates public drinking water systems to ensure compliance with state rules and standards. Our agency also has primacy for implementing the requirements of the federal Safe Drinking Water Act (SDWA) in Oregon in lieu of US EPA.

In addition to our regulatory role, we review resolutions requesting health hazard annexations pursuant to ORS 431.705 – 431.760. These requests are initiated through an adopted resolution by the county court or local public health authority. The OHA does not receive these requests often, OHA has received two such requests in the past six years. After OHA receives a resolution initiating proceedings, OHA then investigates conditions in the affected territory to determine whether there is substantial evidence that a danger to public health exists as that term is defined in ORS 431.705. While the health hazards annexation statute is a process for the provision of drinking water services within an affected territory where a danger to public health exists, OHA's finding of a danger to public health is not a guaranteed outcome of the review. Additionally, even if OHA's investigation finds a danger to public health exists there are hearing and judicial review requirements within the statute that impact the timeframe of when a water district

annexation may occur. In reviewing the proposed -1 amendment, OHA believes the proposed language would provide a timely process to ensure the provision of adequate drinking water to areas that have been affected by wildfire in a declared state of emergency.

I would be happy to answer any questions or provide additional information.