

Testimony of Bert Krages in Opposition to HB 3022

I am an attorney with a longstanding interest in environmental matters and experience in administrative law. I oppose HB 3022 because it will impede careful consideration of the many facets involved in addressing climate change. I became aware of the “greenhouse effect” in the 1970s when I was in high school. Following high school, I majored in environmental engineering at Northwestern University and went on to obtain a masters degree in environmental engineering from the University of North Carolina at Chapel Hill in 1980. I practiced as an environmental engineer before enrolling at the University of Oregon School of Law in 1984.

When I was in high school, the atmospheric carbon dioxide concentration as measured at the Mauna Loa Observatory was 330 parts per million. It is currently 420 parts per million. Among the many changes that Oregon is experiencing are warmer rivers, increases in wildfires, and prolonged droughts. These changes are affecting everyone in Oregon, but low-income communities and rural areas are the ones least able to cope with climate change.

Evaluating the effects of climate change and determining how best to address it involves numerous scientific and technical disciplines and the informed application of specialized knowledge and expertise. In this light, administrative agencies play an important role in state government by applying their specialized expertise to carry out legislative mandates.

One such mandate, directed by the Oregon Legislature to the Environmental Quality Commission, is to establish motor vehicle emission standards. The process for doing this includes allowing interested parties to serve on advisory committees and the submission of extensive amounts of technical material to the Department of Environmental Quality. All this input is evaluated by staff who have expertise in air quality management. Thereafter, the Environmental Commission considers additional information from the public before deciding whether to adopt a rule. In short, the administrative process facilitates in-depth consideration of highly-technical information by persons who have the expertise to understand it.

Conversely, the legislative process is characterized by relatively-cursory committee hearings, during which information is generally submitted in a summarized fashion and with little time to evaluate and consider it. Often, voluminous amounts of testimony does more to impede the legislative process than to enhance it. In short, the legislative process is good at considering and addressing broad social issues but poorly suited to evaluating and acting on complex interdisciplinary technical matters.

HB 3022 would eliminate the kind of administrative process that is best suited to making informed decisions based on extensive and complex information. In the absence of HB 3022, the Oregon Legislature would still have the ability to overturn agency decisions when it determines that those decisions were improvidently made. Because HB 3022 would act as an impediment to sound decisionmaking, I urge you to oppose its passage.

Thank you.