

Submitter: Beth Myers

On Behalf
Of:

Committee: House Committee On Agriculture, Land Use, Natural Resources, and
Water

Measure: HB3207

My name is Beth Myers, President and owner of Waterlab Corp., I started Waterlab in 1978.

I have some comments about HB 3207.

The original statute does need work,
but this amendment does not solve the fundamental problems in it.

To me the fundamental problem with both versions is that the Buyer of the property – the person who will be drinking the water – is left out of consideration.

A. Buyers are NOT getting the well testing data they need for decisions. Under the original statute, and not changed under HB3207, the seller does not have to provide results to the buyer for 90 days. This is a Public Health issue because that deadline would be long after closing and the buyer has moved onto the property.

How would YOU feel if you find out after your purchase that the well has high arsenic? (2x to 50x is not uncommon. There is a lot of Arsenic east of I-5). For example, City of Woodburn treats their water to remove Arsenic. The buyer should not find out there's a toxic metal in the well water at closing (or AFTER) with no right to back out.

Or in some sales the buyers are never advised of the test results and don't know they are serving cancer-causing high arsenic in their well water to their children/grandchildren, elderly relatives. In a property closing with a 4" stack of papers or a long on-line closing, did they see the results? Even if the buyer signed that they saw the results, it often doesn't register with them. They come to the lab later, rather frantic. Is that taking care of Oregonians?

I served on the committee that worked on the original statute. The main focus was nitrate information. There was very little known about arsenic in Oregon.

Now that the prevalence of this toxic metal is known,
this 90-day notice to buyers after the seller receives the report is unconscionable.

B. What is purpose of obtaining Data?

1. Data for state, no benefit to Oregonians

- Data base is not in a useful format for Oregonian looking for property, useful maybe for studies or very very general statistics.
- The state data is seen at the Oregon Water Contaminant Map at the OHA Drinking Water web page.

This data page only includes:

- ? County Name
- ? # of tests submitted for arsenic or nitrate for the whole county
- ? Median arsenic or nitrate value for the county
- ? Highest value of arsenic or nitrate for the county

In contrast Waterlab started mapping data like arsenic and nitrate (and about 8 other minerals) around 2000 because customers were asking us about the area. The data is curated and there is no treated data in the system.

For example, my mapping program has 10,200 wells in Marion County, with 470 wells containing Arsenic over the EPA standard. In Linn County my mapping contains 1,382 wells and 20 wells are 10x+ the EPA Arsenic standard (over 100 ppb with the standard at 10 ppb). 3 wells are 70x the EPA Arsenic standard.

2. Still NO data provided to Buyers to allow them to make a knowledgeable purchase decision and protect their children.

- Buyers should have well water test data in time to back out of deal (law should have a provision for this)
- Buyers need all well water test data to deal with treatment with seller. They should not immediately need to spend \$10,000 for treatment on the well water to make water free from a toxic metal right after the sale. If treatment has been installed, they often don't know what the treatment system in the garage is for (as they tell us at the lab) so will unhook it to avoid maintenance costs.
- Children (a low body weight population) are moving to these homesites without the parents' knowledge that there is high arsenic in the well water.

With this statute, Oregon will have just another statute that does not have any "teeth". Labs are being told the OHA will not enforce this so we shouldn't worry.

But labs cannot ignore laws.