



March 30 2023

House Committee on Agriculture, Land Use, Natural Resources, and Water
Oregon State Legislature
900 Court St. NE
Salem, Oregon

Re: Concerns re HB 3207 – Reporting responsibility for well testing as part of real estate transactions

Chair Helm and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 3207. The undersigned represent farmers, ranchers, and foresters around the state who are interested in protecting and enhancing water quality across our farms, forests and beyond. Our organizations have called for increased investments in groundwater monitoring for the last several biennia¹ (and as recently as July 2022 in a letter to former Director Whitman), and we remain concerned with the lack of targeted investment in a comprehensive, Agency led monitoring program.

Domestic well testing as part of real estate transactions can provide valuable information to current and prospective property owners regarding drinking water safety. However, we do not feel this testing program provides data of the quality needed to monitor or diagnose groundwater quality issues across an area or region. These tests do not include well location data, depth information, or flow rate data, all of which and more would be needed for a more scientific and comprehensive approach to monitoring for groundwater quality.

This testing program should not be considered a substitute for a more concerted effort by the Agency, yet this appears to be the case. DEQ continues to underfund its groundwater program and has historically offered it first on the cuts list, often in favor of programs with much less impact on public health. These cuts have meant that the agency is not making any meaningful progress toward addressing groundwater quality issues, nor has the agency moved forward with designation of additional GWMA's (Groundwater Management Areas). The agricultural community stands ready to participate in investigating and addressing the causes of groundwater issues in the state, but cannot do so with a significantly under resourced program, a lack of targeted, science-based monitoring, or a low-quality dataset.

¹ Links to testimony supporting investment in the groundwater program:

2017: <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/CommitteeMeetingDocument/106579>

2021: <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/24564>

Many of us have been engaged in ongoing discussions since last fall regarding this concept and which party should be made responsible for reporting real estate transaction sampling of domestic wells. We note that HB 3207 as submitted does not reflect *any* changes to address a variety of concerns expressed by a range of stakeholders during these discussions, including primarily those expressed by the labs, who will be required to self-fund new processes for state reporting.

Specific to this concept, our members have concerns about process, privacy and confidentiality, and the intention to make this dataset publicly available. In terms of process, labs receive thousands of tests per month and in most cases, are not aware of the reasons for specific tests. We want to ensure that DEQ receives only the data to which it is entitled to under current statute, but no clear solutions have been offered to resolve this issue. Labs adhere to strict rules around confidentiality and privacy, and adding government reporting will likely impact participation in this program. Finally, we have seen the Agency release data to the public in other contexts (e.g., the Pesticide Stewardship Partnership) in formats and presentations that invite false assumptions and inaccurate generalizations. We do not support another attempt to present low-quality data to the public, particularly when locations will be easily inferred from the dataset while actual contributions to groundwater issues will not, which will only invite more assumptions.

Thank you for the opportunity to comment on HB 3207. We look forward to staying engaged on how to continue to support the Agency in developing a robust and scientific groundwater monitoring program.

Oregonians for Food & Shelter

Oregon Farm Bureau

Oregon Cattlemen's Association

Oregon Dairy Farmers Association