

Nels Johnson  
Director of State & Federal Affairs  
NW Natural  
250 SW Taylor Street  
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February 28, 2025

**RE: Opposition to Senate Bill 680**

Chair Prozanski, Vice-Chair Thatcher, Members of the Seante Judiciary Committee,

Northwest Natural Gas Company (“NW Natural”) opposes Senate Bill 680 (“SB 680” or “the Bill”), which aims to stifle genuine discussions about the important issues of climate change and energy policy and would result in limiting information and sowing confusion for both companies and consumers alike. This Bill will disincentivize many organizations and companies from providing the public with information regarding environmental programs and progress important to making decisions regarding energy choice.

Consumers already receive protection from statements that are objectively false or misleading under the existing provisions of the Oregon Uniform Trade Practices Act. Given these existing protections, SB 680 appears motivated not by a concern for consumer protection but by an opposition to certain viewpoints on climate change and energy policy. For the reasons discussed in this letter, NW Natural urges the Oregon Legislature to reject SB 680.

*First*, the Bill’s terms are extremely ambiguous as to which speech is prohibited. For example, the Bill prohibits certain claims that are “not supported by competent and reliable scientific evidence.” The Bill offers no objective standard or guidance as to which scientific evidence is considered “competent and reliable.” Many issues of environmental science are complex and evolving, and courts across the state could come to different, conflicting conclusions on which scientific evidence makes the cut. The Bill also prohibits certain claims about emissions reductions that are not based on “appropriate or reliable accounting methods,” again without providing objective guidance on which methods are “appropriate” or “reliable.” There are many accounting methods available to calculate emissions reductions, with various methods developed by well-regarded independent entities and in some cases adopted by regulatory bodies. Without any reference to a specific, or even a general standard, organizations would face uncertainty and potential liability risks even when using a regularly accepted method. The Bill similarly prohibits statements about environmental efforts that are unaccompanied by a disclosure of “potential costs or tradeoffs” associated with those efforts. In a complex, interconnected global economy, the “costs or tradeoffs”—

both environmental and non-environmental—associated with any activity could be innumerable, and the Bill offers no guidance on which of these must be disclosed for an organization or business to avoid liability.

*Second*, given the ambiguity of what speech is prohibited by the Bill, the likely effect is that many organizations and businesses will significantly reduce or altogether stop discussing the steps they are taking to help better the environment. That would be a severe loss to the state of Oregon. Climate change, energy policy, and the bettering of our shared environment are important issues that are best addressed by Oregonians collaboratively working together to find solutions. Disincentivizing the sharing of information to the public from organizations and businesses that want to engage in those discussions does not promote this effort to make environmental progress—it actively inhibits it.

*Third*, because of this chilling effect, it is likely that SB 680, if enacted, will face serious legal challenges. The U.S. and Oregon Constitutions provide strong protections for freedom of speech, especially with respect to public discussions on issues of immense public interest. Discussions on climate policy and energy policy fall squarely within the type of speech that these constitutional provisions exist to protect. SB 680 is almost certainly constitutionally flawed—at the very least in certain applications—and that is reason alone to reject its enactment.

*Finally*, the Bill is unprecedented. We are aware of no other jurisdiction in the United States that has enacted similarly wide-sweeping, ambiguous speech restrictions on environmental issues. Other jurisdictions—including California, which enacted Assembly Bill 1305 in 2023—have enacted disclosure laws that require organizations that purchase carbon offsets to identify certain factual details regarding those carbon offsets, information that many carbon-offset purchasers already publicly supply voluntarily. SB 680 goes far beyond this defined system and instead seeks to use ambiguous statutory terms to police and chill speech about important environmental and energy policy issues.

For these reasons, the Oregon legislature should reject this Bill.

Thank you for your time.

Respectfully Submitted,

/s/ Nels Johnson

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**NW Natural**<sup>®</sup>

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