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June 9, 2025



To: The Senate Committee on Rules

CC: Environmental Caucus co-chairs; Water Caucus co-chairs; BIPOC Caucus co-chairs

**Re: Oregon Rural Action withdrawal of support for SB 1154**

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Chair Jama, Vice Chair Bonham, and members of the Senate Committee on Rules,

For the record, my name is Kaleb Lay and I'm director of policy and research with Oregon Rural Action (ORA), a grassroots and community-led nonprofit organization that has worked for years with community members who are directly affected by the long-running groundwater pollution crisis in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA).

We want to extend our sincere thanks and appreciation to Governor Kotek for bringing this bill forward, to Chandra Ferrari of the Governor's natural resource office for the tremendous and tireless work she's put into the many versions of this bill we've worked on together, and to our friends at Verde and the Oregon Environmental Council for their commitment and advocacy as we've worked to refine and advance this bill together.

Unfortunately, due to the severe degree to which industrial interest groups have been able to undermine the bill, ORA has been **forced to withdraw our support for SB 1154 and the -A3 amendment**. We ask that this committee **not advance SB 1154 this session**, but instead commit to bringing it back in a future session in a stronger, more just, and more effective form.

ORA's experience working in the LUBGWMA provides us with a unique and unparalleled perspective as to both the effects of groundwater pollution like that in the Lower Umatilla Basin and the reasons that pollution has persisted and worsened through 35 years of state involvement. Thousands of people in the Basin have been affected by unsafe levels of nitrate in their drinking water, and while we still do not know exactly how much this crisis has affected the public health of our communities, ORA has seen firsthand the incredible human toll this pollution is still taking.

Self-disclosed stories of cancer, miscarriage, thyroid issues, and the many other health effects linked to nitrate are disturbingly common in the LUBGWMA. Property values have plummeted for homes that rely on domestic wells, and families routinely share with us that they can no longer borrow against their property. People with livestock in the Basin have countless stories of animals suddenly and repeatedly dying for unexplained reasons after drinking water they now know was contaminated. Oregonians living in the Lower Umatilla have lost loved ones – from pets, to spouses, to unborn children – from health conditions linked to nitrate after unknowingly drinking nitrate-laden water for years or even decades.

This crisis is not the result of some act of God. It is the result of decisions made by sources of pollution over time for the sake of profit and power, and the result of failures by Oregon's executive branch to make politically difficult choices to halt pollution by economically productive & profitable industries. In both cases, these decisions have been consistent over the decades since the LUBGWMA was established in 1990, and as a result, nitrate pollution in the Basin continues to grow worse today. It is clear that legislative solutions are needed to address this problem.

To that end, ORA has worked tirelessly to provide input on SB 1154 to the Governor's office in an attempt to help them learn lessons from the decades of failure in the LUBGWMA and ensure that this bill prevents those failures from being repeated. Our team has spent countless hours supporting the bill and offering our insights, and it is with great sadness and frustration that we've watched this bill be systematically gutted by industrial lobby groups working on behalf of polluters. Rather than bringing a "new day" to the issue of groundwater pollution – as Governor Kotek promised more than two years ago – we believe this bill would simply entrench a status quo of inaction.

If passed, SB 1154-A3 would leave Oregon in almost the same position as the Groundwater Quality Protection Act did in 1989 – relying on voluntary actions to reduce pollution, and then relying on agency discretion and political will to step up when those voluntary actions fail. This is the fundamental problem that SB 1154 needs to address, and with the -A3 amendment, it fails to do so. Rather than providing clarity and direction for agencies, we would instead be relying on a quagmire of new committees and reports to create change where committees and reports have consistently failed for more than three decades.

However, previous versions of SB 1154 put forward by Governor Kotek's office showed great promise. Those versions would have required agencies like OWRD, DEQ, and ODA to use their authorities in specific ways once groundwater pollution had reached the level of a public health threat, ensuring that agencies have a clear mandate to take appropriate action to protect Oregon's communities. These actions were specifically outlined, but often only required on an "as needed" or "as appropriate" basis, ensuring flexibility in the response. This is exactly the kind of strength and clarity that would empower dedicated agency staff to take appropriate action to rein in pollution, hold sources of pollution accountable, and prioritize health over profits.

Reforming the Groundwater Quality Protection Act of 1989 is something that we can and must get right. SB 1154 gave us a good start, but the -A3 amendment takes it in the wrong direction. We ask that Governor Kotek and the Legislature give this issue the time and dedication it deserves by returning to this in a future session so that we can pass the bill we need.

**Kaleb Lay**

**Oregon Rural Action**