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February 3, 2026

To: House Committee On Climate, Energy, and Environment

RE: Opposing HB 4102 - DEQ Permit Processing and 3rd Party Contactors

Chair John Lively, Vice-chair Mark Gamba and Bobby Levy and members of the committee,

Thank you for the opportunity to provide testimony today for House Bill 4102 on behalf of Verde. For the record, my name is Roselyn Poton, Water Justice Coordinator at Verde. Verde is a community-based organization dedicated to building environmental wealth through organizing, advocacy, and social enterprise.

While we understand the need to streamline DEQ's permitting process and eliminate the current backlog, legislative efficiency must not come at the expense of regulatory integrity. We oppose the bill in its current form but are interested in working collaboratively together to improve the bill. As currently drafted, the bill lacks the necessary guardrails to ensure that expedited timelines do not undermine the public interest and environmental health. We believe it is possible to achieve operational speed while maintaining DEQ's values and mission. Our recommendations below are designed to bridge this gap and ensure the bill serves both applicants and the public interest effectively.

Improving Third-Party Contractor Standards The criteria for selecting and approving third-party contractors needs to be clearly articulated and include safeguards to prevent conflicts of interest between applicants seeking an expedited permit review process and the third party entities responsible for conducting the review.

- **Clarify the Third Party Approval Process:** There needs to be a clear articulation in the bill as to how the DEQ would select a third party permit writer and screen them for conflicts of interest.
- **Strengthen Independence Checks:** The "independence" criterion must be expanded to assess not just the independence of the contractor from the applicant, but also any related partnerships, subsidiaries, parent companies, or holding companies.
- **Address Risk for Regulatory Capture** via clear, articulated criteria in the third-party contractor selection process and conflict screens. Standards for selecting third-party contractors were included in the previous version of this bill in HB 3107 (2025).

Strengthen Public Interest Considerations The bill requires the DEQ to consider the "public interest" but provides very limited criteria. As it reads now, the criteria defining "public interests" involves looking at project readiness and DEQ's backlog, but doesn't include considerations about risks and benefits to the public. HB 3107 (2025) included a benefits and



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risk analysis as part of the criteria in determining public interest but is not included in the bill now. Strengthening the definition of public interest offers a significant opportunity for improvement.

- **Expand Review Criteria:** The list should be expanded to consider the benefits and risks to the public and environmental health.
- **Include Compliance History:** DEQ should consider an applicant's past compliance history to determine if an expedited process is appropriate.

Ensure Fair Oversight The current bill provides limited ability for interested parties to challenge decisions, which restricts agency accountability.

- **Ensure fair oversight:** Currently, the bill prevents interested parties from appealing an applicant's approval for an expedited review process. This is a gap that should be closed to ensure fair oversight.
- **Adjust Automatic Approval:** The bill currently allows for a regulatory loophole that would simply allow for a previously denied request for expedited review to be automatically entered into an agreement with the DEQ if the initial denial happened at least one year ago. Allowing for such an automatic approval undermines the entire intent of the DEQ's authority to review such applications in the first place. Instead, the bill should allow for the *reconsideration* of the application to determine whether or not to enter into an agreement and expedite the permitting process. This maintains the integrity of the DEQ's regulatory authority over permits, and allows for the applicant to resubmit an application that warrants an expedited review process.

Verde supports improving the permitting process to reduce the DEQs backlogs provided that public interest and environmental health are protected. Efforts to streamline the permitting process must embody the DEQs values of transparency, inclusion, justice, and accountability to fulfill their vision of "working respectfully and engaging intentionally with communities for a safe, healthy environment". Which is why we urge the committee to include these recommendations to help ensure that HB 4102 benefits not just the applicant but also the public and environment while maintaining the DEQ's regulatory integrity, values, and vision.

Thank you for your time and consideration of these recommendations.

Sincerely,

Roselyn Poton, Water Justice Coordinator, Verde