

Feb. 2, 2026

House Committee On Climate, Energy, and Environment

RE: HB 4102 (DEQ 3rd Party Permitting)

Chair Lively, Vice-Chairs Gamba, and Levy, and Members of the Committee-

The undersigned organizations submit this written testimony today, so that we do not repeat the same points- and because *opposition verbal testimony was specifically excluded during the 8am hearing this morning*.

While we thank Rep Dobson's office for the conversations we have had on the substantive portions of the bill, we are currently opposed, although could be moved to neutral with just a couple simple fixes. First, let us tell you that we understand the need to streamline DEQ's permitting process and eliminate the current backlog. This was not an easy decision. Our primary concern is that as currently drafted, the bill lacks the necessary guardrails to ensure that expedited timelines do not undermine the public interest.

Specifically, there is no clear articulation how DEQ would select a third party permit writer and screen them for conflicts of interest- *a point made by other members of the committee during the hearing*. Our understanding is that the agency would put out an RFP for a project. Last year's bill, HB 3107 (2025) on page 2, line 22,¹ however, outlined the standards the agency is required to consider which includes: "experience and knowledge of the third party related to department activities, third party's public reputation, and independence of the third party from the requesting party". **We think that adding that language back in is a reasonable solution that provides more intent and guidance without being overly prescriptive.** Furthermore, DEQ has maintained in conversations they have these guidelines on how contactors are selected - *another point they made at the 8am hearing this morning*. However, we cannot find these guidelines, and they have not been shared.

Secondly, Sec. 1 subsection 9 of the bill notes that an applicant gets automatic approval into the expedited process if it has been a year since an initial request was denied. Because some permits are complex and can typically take more than a year, and some applicants may have a history of noncompliance, we would recommend changing the language to "automatic reconsideration by DEQ for approval" after one year so that each permit gets the scrutiny and attention it deserves from DEQ.

¹ <https://apps.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB3107>.

Again, while we recognize the pressing needs to address DEQ's permit backlog, regulatory speed must not come at the expense of integrity, accountability, or public trust. *This means all sides must be heard during the debate of a bill.* We believe that efficiency and integrity are not mutually exclusive, but achieving both requires a thorough approach that prioritizes clear transparency, public trust, and democracy.

Thank you. Sincerely,

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Cheyenne Holiday
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