April 28, 2019

Chairman Barker and members of the House Committee on Business and Labor,

My name is Loren Radford, Gales Creek,OR. and I am writing to you in opposition to SB 935 that will come before your committee on May 1.

I am retired now, but I have been involved in the green industry for 42 years, the last 27 of them here in Oregon as a landscape instructor at Portland Community College for 22 years and a landscape contractor and former member of the Oregon Landscape Contractor's Board.

I was in opposition to the limited landscape licensure law (HB 3337) that this expansion is predicated on because there is no written nor practical skills test required, as has been required of all other licensees in the past, and by which someone has to prove they have a basic knowledge of what they'll be hanging their business shingle out for.

HB 3337 excluded certain landscape construction activities that had a higher degree of technical knowledge and/or safety concerns such as decks attached to buildings and irrigation. Here it is the next legislative session, and SB 935 is now asking to expand the permitted activities to irrigation up to 4 zones. As someone who has taught irrigation courses for 29 years and seen countless incompetently installed systems as a contractor, I can state with confidence that the technical competence to install 2 or 4 or 8 or 15 (after which it's commercial work) is the same. Adding irrigation to the limited license is the same as saying that up to 4 zones you don't need to know anything (you haven't been tested, so we can't assume you do), after 4 zones you do need to know something. I find that to be ludicrous and untrue.

What is most disturbing to me is that that the limited landscape license and this proposed expansion have no evaluation measures built in to determine it's effect on consumer protection. A brief, short history, if you'll indulge, on landscape construction law. In 1972, the state legislature set up the OR. Landscape Contractor's Board (OLCB) and the Oregon Construction Contractor's Board (OCCB). They resided together with the OCCB administrating until 2002. From the start, though, there has been a professional exam. I do not know the intent of the legislature back then, but I presume it's because in OCCB trades there are apprenticeships, trade exams, volumes of codes and code inspectors to insure the work is done properly. In landscape construction, except for backflow installation, those do not exist. The exam helped to insure a basic level of knowledge for new contractors. The landscape laws were about <u>consumer protection.</u> I want to stress that because it is drummed into the heads of every OLCB board member that their role is solely about consumer protection. Not industry protection but consumer protection.

That consumer protection existed in the form of the professional exam (now in several forms - written English or Spanish or a practical skills test) and the bond every contractor posts. With the limited license, that first pillar of consumer protection is removed. The bond is still there, but a very essential point to remember is that the bond is a form of retroactive consumer

protection. It only kicks in after a problem has occurred and the consumer files a claim on the contractor's bond. It's like the old saying of Katie barring the barn door after the cows are out and the claims process is not a pleasant process for consumer filing, nor contractor defending, nor OLCB staff and board time in investigating, processing and adjudicating.It's labor intensive and expensive (but free to consumers) and should not be the first line of defense for consumers.

HB337 and now SB 935 are experiments in landscape law, which means that they are experiments with consumer protection and yet they have no built in evaluation as to how it will affect consumers. I would like to suggest that a simple way to evaluate would be to direct the OLCB to, on an annual basis, collect information of the number of claims or violations issued to limited licensees and compare those to the total number of limited licensees and then do the same, for the regular licensees. If limited licensees show a higher percentages of offenses, then the limited license law is not protecting the consumers of Oregon. I've heard the argument of consumer choice used to defend the limited license. I don't think that consumer choice at the expense of consumer protection is a bargain to the consumers of Oregon.

Thank you for your time and ear.

Loren Radford