



February 10, 2020

**Clackamas County Board of Commissioners**  
**Policy Position**  
**HB 4043: Related to Materials for Local Water Projects**

**Clackamas County opposes HB 4043:** The Board of County Commissioners opposes HB 4043, which removes local authority from the development process and increases the likelihood of using unsuitable piping materials for water infrastructure.

Establishing mandates for consideration of piping that meets national standards appears reasonable on the surface, and in theory could lower the cost of development by using materials that can be produced at a lower cost than more durable piping materials. However, water infrastructure needs vary across the United States, and within Oregon itself. As a result, local codes and review processes have been established in Oregon so that engineers familiar with development specifications, local geological conditions, and treatment capacity (present and forecasted) have a key role in the development review process. Municipalities and utilities rely on engineers to identify and deploy the right solutions for their particular circumstances – decisions that are based on more than just the cost of construction. Part of the engineer’s normal process is to evaluate different materials to meet the stated objectives, which would include evaluation of all piping materials for suitability. This legislation is a solution in search of a problem that does not exist.

Creating a new statutory requirement that second-guesses the professional judgment of local engineers will create a process that allows out of state manufacturers to challenge the designs created by state and local governments that represent the community. Developers outside of Oregon looking to build inside the state will review development plans with a lens toward utilizing their products rather than meeting local needs. This could challenge conditions on the ground in the name of piping that meets a “national standard,” creating risks to Oregon communities through the delivery of suboptimal services at higher life cycle costs.

HB 4043 removes a vital element of local authority and the professional judgment of engineers in a landscape that changes mile to mile.

We urge a “NO” vote for HB 4043.

Please contact Chris Lyons at [clyons@clackamas.us](mailto:clyons@clackamas.us) for more information.