

**Testimony to the Senate Committee On Judiciary and Ballot Measure 110  
Implementation  
On House SB 448**

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Jana Gastellum, Deputy Director for Programs  
Oregon Environmental Council**

Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Oregon Environmental Council opposes SB 448.

While SB 448 purports to reduce outdated rules, we are concerned that the bill as written would be harmful to the health and safety of Oregonians. This bill would require that every rule be re-litigated every six years, which would create tremendous uncertainty for all kinds of programs from emergency management, to toxic reductions, to programs that support businesses.

It would undermine legislative intent for existing and future programs that do not have sunsets written into statute. The legislature already has the authority to add sunset dates to any proposal. Automatically saying the rules to implement those proposals have an expiration date, even if the program is intended to last longer, is unnecessary, and would create complications and confusion.

This proposal would tie up agencies and their Boards and Commissions in unnecessary process. They would be in endless rulemakings- rather, Oregon agencies, which already have severely limited budgets, should focus their time delivering programs and outcomes. They should not be mired in needless administrative procedures.

Finally, this bill is unnecessary. The Administrative Rules Act, ORS 183.405<sup>1</sup> already requires a review of rules after five years of implementation:

- (1) Not later than five years after adopting a rule, an agency shall review the rule for the purpose of determining:
- (a) Whether the rule has had the intended effect;
  - (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
  - (c) Whether subsequent changes in the law require that the rule be repealed or amended;
  - (d) Whether there is continued need for the rule; **and**
  - (e) What impacts the rule has on small businesses.

The current process is already being used to evaluate opportunities for streamlining rules. Agencies flag opportunities to make updates when rules are due for larger updates, and we have seen this "clean up" occur in rulemakings we have participated in. For example, two reporting programs were consolidated, creating efficiencies for regulated parties.

We urge a no vote on SB 448.

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<sup>1</sup> <https://www.oregonlaws.org/ors/183.405>