

May 20, 2021

Oregon Progressive Party

Position on Bills at 2021 Session of Oregon Legislature:

HB 3372: Support but Oppose -A5 and -A6 Amendments

The Oregon Progressive Party supports the original version of this bill, which would have authorized the Department of Environmental Quality to designate person as chronic violator of environmental quality laws and refuse to issue or renew permit to applicants that are or include chronic violators.

This effective concept was then watered down by adoption of the -4 amendment, which exempts from public disclosure all information about past violations obtained by DEQ under this bill. So DEQ can make its decisions on new or renewal permits, without informing the public of the past violations by the applicant or corporations associated with or controlled by the applicant. The -4 amendment also introduced excuses for granting permits to chronic violators, such as whether the previous violations were caused by intentional acts. Still, Oregon Progressive Party supports HB 3372A.

Now come the -A5 and -A6 amendments which would effectively gut the requirements entirely. Instead of examining the record of violations of the applicant corporation and its officers and board members, those amendments would allow only examining those persons or parent corporations or subsidiary corporations that "exercises or will exercise substantial control on behalf of or over the facility that is the subject of the application of permit." So the applicant could put forward Clem Clean as the project manager, who has no personal record of environmental violations. Then, having received the permit, the corporation could then but Vernon Violator in charge.

These amendments also offer excuses for chronic violators, such as whether the person "had a conscious objective to cause the result of the conduct" and "knew or had reason to know that the result of the conduct was not lawful" and "caused or had the potential to cause substantial environmental harm," implying that violations not accompanied by such harm or risk should be disregarded. The -A5 amendment also prohibit DEQ from considering any past violations "resolved through a mutual agreement and order, or a similar settlement agreement." Since many DEQ charges are resolved in that way, this is a huge loophole.

HB 3372A has already been watered down enough. Please reject the -A5 and -A6 amendments.

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