



Testimony in Opposition
HB 3207
House Committee on Agriculture, Land Use, Natural Resources, and Water
March 7, 2023

Chair Helm, Co-Chairs Hartman and Owens, and members of the Committee, thank you for the opportunity to provide testimony in opposition to HB 3207 as drafted.

The mission of the Oregon Ground Water Association is to promote sustainable groundwater development and management for maximum beneficial use without waste or contamination. Organized in 1949, the Association has sought to encourage responsible stewardship of the groundwater resource with its leadership in industry education and legislation.

The Oregon Ground Water Association (OGWA) is a nonprofit membership organization composed of water well constructors, well pump and water treatment contractors, hydrogeologists and engineers, manufacturers and suppliers of equipment, and other various trades engaged with the groundwater resource. From these various disciplines, we have the benefit of receiving many perspectives on proposed legislation. Unfortunately, none of the feedback received on HB 3207, as currently drafted, has been positive.

While well-intended, HB 3207 does not take into consideration a number of variables that could delay real estate transactions. Lab technicians are not going to know if the test is being conducted in relationship to a sales transaction unless someone tells them. Other pertinent information regarding the property or the parties involved in the transaction will not be known to the labs and, again, could result in delay. Who is responsible for transmitting this information and is there any enforcement for failure to do so? Or will the labs be held responsible for costly delays regardless?

Confidentiality is crucial to the testing process and part of the national code of ethics adhered to by labs. HB 3207 does not take into consideration the code or provide a specific process for maintaining confidentiality. Further, there is no language to hold the lab harmless if another party does not maintain confidentiality.

We believe the current testing system is failing, in part, because treated water is being presented for testing. The results may not reflect an accurate picture of the actual quality of the water. At the very least, this issue should be discussed, if not addressed, prior to voting any new legislation into law.

One of the original drafters of the current law is also an OGWA member. We believe that, working together, we can bring back a bill that accomplishes what the proponents are attempting to accomplish without placing an undue burden on the labs or requiring them to break their code of ethics.

We propose a workgroup consisting of a lab representative, DEQ, the Realtors®, mortgage lenders, and other interested parties to examine these unanswered issues and bring a better bill back in 2024. The OGWA is committed to protecting the public against harmful contaminants in drinking water and stands ready to be a part of the solution.

To this end, we urge you to oppose HB 3207 in its current form. Thank you.
