



Testimony in Opposition of HB 3207
March 17th, 2023
Kyle Grogan, President
Oregon Environmental Laboratory Association

The Oregon Environmental Laboratory Association opposes House Bill 3207 as written. We believe that requiring the laboratories to submit real estate transaction data to the state will cause undue burden and risk on an industry where most companies already have limited resources.

In order to analyze and report drinking water data in the state of Oregon, laboratories must be accredited by the Oregon Environmental Laboratory Accreditation Program. To maintain their accreditation, laboratories must follow all state rules. If the House Bill 3207 is passed and a lab fails to report this data to the state for any reason (lack of information, given the wrong address, transcription error, etc.) then they could have their accreditation revoked by ORELAP. This would be a threat to health and human services to the community that the lab serves as there would be no local and easily accessible service for water analysis. Due to short holding times for some analysis and the need for quick turn-around in cases of emergencies, it is vital to have a network of accredited labs across the state. Having a gap in that network due to a mistake in providing the DEQ with data for its database would be an extreme disservice to the residents of Oregon. This is especially important in rural areas with small labs such as Prineville, Klamath Falls, and Pendleton.

Requiring laboratories to submit the data to the DEQ will result in the state receiving data for **potential** real estate transactions, not **guaranteed** transactions. Testing is completed well before the final sale or exchange of real estate. If the sale or exchange falls through after the testing is completed, the state would be receiving data from laboratories that it should not be receiving. The same would be the case for people who get their testing completed when they are thinking about selling their home but have not put it on the market yet. Laboratories cannot be expected to continually follow up with every client to see if a sale is going through.

We do believe that this data is important for identifying problem areas and providing outreach and education to the public. We feel that the best way to ensure that the data is received by the state is if the information is sent by either the real estate agent or escrow agent. These agents have the most complete information regarding real estate transactions and can best ensure that the correct data is sent when the sale is finalized. The current version of The Domestic Well Testing Act requires that the “seller shall submit the results of the tests required under this section to the authority and to the buyer within 90 days of receiving the results of the test.” The proposed changes are due to the fact that real estate agents are not following the Act and the state is not enforcing it. Rather than enforcing the Act as written, this proposal is transferring the responsibility onto another industry because the current responsible parties are not following the rule.

Respectfully,

Kyle Grogan
President
Oregon Environmental Laboratory Association