

Mister Chair and Members of the Committee,

My name is David Delk. Thank you for the opportunity to provide testimony in opposition to HB4090 as it has been introduced.

I live in Portland and I provide this testimony as the founder of the Alliance for Democracy – Oregon. The Alliance for Democracy is dedicated to the establishment of true democracy, ending corporate domination, and the creation of a just society on a equitable, sustainable economy.

HB4090 would allow nuclear power plants to be constructed on federal lands within the state of Oregon in spite of the law enacted by the people of Oregon via the initiative process in 1980 which specified that no new nuclear plants would be built in the state without an approving statewide vote of Oregonians as well as that a federally approved nuclear waste repository exist. No such repository exists. These current requirements apply throughout the state regardless of whose land a nuclear plant might be built on, so a plant being built solely on federal land does not currently create an exception.

As written HB4090 would create such an exception. The existing requirement of a statewide vote would be eliminated if a nuclear plant is to be built strictly on federal land. The elimination of a statewide vote is inherently undemocratic and HB4090 should be rejected just on that basis.

Both Portland and Multnomah County and likely other governmental entities in Oregon have adopted the use of the precautionary principle with regards to regulation or banning of products which might cause harm. Note that a product does not need to have been proven to cause harm; only that it might cause harm. The precautionary principle is looking at regulating possible future harm, not looking backward at harms which have already happened. While to my knowledge this principle has not been adopted by the State of Oregon, I think that consideration of the principle would be most appropriate in this case.

The underpinning of the precautionary principle is that action should be taken to protect the public good by not taking unnecessary risk, not cleaning up harm after it has happened.

The precautionary principle has four components: 1. taking preventive action in the face of uncertainty; 2. shifting the burden of proof to the proponents of an activity; 3. exploring a wide range of alternatives to possibly harmful actions; and 4. increasing public participation in decision making.¹

HB4090 violates all four components.

1. Oregon voters already took preventive action when they enacted the 1980 initiative. HB4090 would overturn that initiative's requirements of an existing repository and a statewide vote of approval.
2. The burden of proof to the state of Oregon as to the safety of a nuclear plant would not be required and, instead of being shifted to the proponents of such a plant, the burden of proof would be shifted to the federal government which might have interests different than the state of Oregon.
3. Exploring a wide range of alternatives to the building of a nuclear plant would not be required.
4. Public participation in decision making would be lessened, not increased, as the state requirement of review by the state Energy Facility Siting Council would no longer exist. And the discussion generated by a state wide vote would no longer exist.

While most of my testimony applies just to the nuclear energy aspects of HB4090, we think that the entire bill should be rejected and not be moved forward for consideration by the whole House. The current requirement of jurisdiction by the state Energy Facility Siting Council has worked quite well and that should not be abandoned, especially to be replaced by a distant federal government agency.

If HB4090 is moved forward, then amendment -4 should be adopted as well.

More information on the precautionary Principle is available here:

http://www.precaution.org/lib/local_govts_and_pp.081224.pdf

1. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240435/>