

Hello Senators Golden and Manning Jr.,

I appreciate and support the intent of SB 680 as written but am concerned that the bill does not have enough teeth to be effective. Therefore, I am writing to urge you to...

1. Increase the fine maximum for a violation or change it to a range with a higher cap than \$200 (as it stands now).
2. Open the availability of using the bill up to the entire population, not just those who have made purchases from greenwashing companies.

First, as other testimony has acknowledged, [greenwashing is a significant issue](#) and [many large companies](#) are engaging in misleading the public for profit.

It seems that this bill would expand the existing restrictions of Oregon's Unlawful Trade Practices Act (UTPA) by explicitly stating greenwashing as an unlawful business practice and by providing enforceable definitions. This is fantastic and I greatly appreciate this effort to give the public/consumer back some power. The power imbalance in our extractive capitalist economy has been too big for too long.

However, I have concerns that this bill doesn't provide strong enough accountability for corporations, and **that is why I support this bill on the condition of these necessary improvements**: (1) I don't want the perfect to be the enemy of the good and creating consumer protections against greenwashing is fantastic - I want to make my support of that very clear. *And* (2) I have earnestly held concerns that this bill would be ineffective and therefore fall flat and potentially make future greenwashing accountability efforts less viable.

Increasing The Fine Amount

Why is increasing the amount of the fine from \$200 important? This bill would largely only be useful in the public being able to fight back against corporate giants that mislead the public while doing the bulk of environmental damage. \$200 simply is not enough to make a dent on companies worth billions of dollars.

One example: [Industrial Biomass companies are regular perpetrators of greenwashing](#), and a company called [Drax has plans to expand to the West Coast of the US, including a proposed plantain nearby Longview, WA](#). Biomass companies claim that the energy they produce is sustainable when it is objectively and mathematically not sustainable. (1) [Emissions from burning woody biomass is two to three times worse than burning fossil fuels](#), (2) [Biomass companies lie and say they don't log whole trees when they do](#), and (3) there are dire impacts to human health and human economies with the release of volatile organic compounds and [Biomass creating less jobs per unit of wood than other timber jobs](#).

Drax is worth \$2.9 Billion - a fine of \$200 would mean nothing to their bottom line. For comparison, [the State of Mississippi's DEQ successfully fined Drax \\$2.5 Million](#), and [the State of Louisiana's DEQ successfully fined Drax \\$3.2 Million](#) for air pollution/air quality violations. Drax (and other

greenwashing companies like them) already have a foothold in the US, and Oregon *must* be proactive in resisting their spread to our state.

I love the idea of your bill and it would give us some legal standing to fight back against greedy, short-sighted people and companies that put profit above all else, including honesty, truth, and factual statements. However, \$200 would be negligible to gigantic, billion-dollar companies that continue to receive [massive government subsidies](#).

Expanding the Usability of the Bill

An additional concern I have is that the bill requires a plaintiff to have purchased goods/services from the misleading company/corporation. This is a significant limiting factor in the power of this bill. A company that does environmental damage does not just damage the individual who made the purchase, but the whole community whose environment was negatively impacted (i.e., clean drinking water, safe air to breathe, forests available for carbon sequestration and mental health benefits, etc.).

For example (sticking with industrial biomass), [Drax emitted three times the volume of toxic substances as permitted for its plant in Mississippi](#), and [in Louisiana Drax was permitted to emit less than 250 tons of VOCs a year, but emitted more than 1,100 tons per year](#). These emissions lead to [respiratory diseases](#) and [cancer \(and not just lung cancer\)](#) primarily in frontline, marginalized [BIPOC and low-income communities](#). Now, someone living in a community near a biomass production plant may suffer damages in the form of illness at the hand of the company polluting their air and claiming environmentally friendly business practices along the way. However, unless this person bought wood pellets from the company themselves, they would not be eligible (as I understand it) to hold the polluting company accountable via SB 680.

Polluting/greenwashing companies like Drax don't just do harm to their customers, they do harm to the whole community. Therefore, the bill should be expanded to allow for people other than just customers of bad actor companies to file charges.

Similarly, limiting the bill by only allowing customers of a greenwashing company to file charges likely means that charges may never be filed under this bill (if passed into law). Most people who are aware of greenwashing (and therefore aware of and willing to employ the power of this bill) would already be aware of a bad actor company, and likely would not purchase their products. Therefore, the people who would know to use this bill would not be able to since they would not be customers. And those who are customers of bad actor companies, unfortunately may not know better as they have been misled and may not care to enforce the power of this bill even if they know it exists. In this way, those who could use the bill would not, and those who would like to use the bill would not be able to even though their community/home/environment/health/etc. was harmed despite them not being a direct consumer of the bad goods/services.

The bill must be expanded to allow anyone in a community affected by a greenwashing, bad actor company to file a complaint, requesting review of a violation. Otherwise, this bill doesn't seem to have any actual implementable power.

As I understand it, this may not be possible as this bill seems to simply expand upon Oregon's existing UTPA but it feels worth noting in the event that something could be done to expand this bill. When it comes to companies that pollute the environment, they do harm to whole communities, not just their customers, creating a unique set of circumstances when expanding the UTPA to greenwashing.

Thank you for your consideration of my concerns of (1) changing the fine amount to a higher amount and/or making it a range proportional to the size of the infraction, and (2) expanding those who can file a complaint beyond those who are customers of bad actor companies.

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