



3/13/25

Rep. John Lively, Chair
Rep. Mark Gamba, Vice Chair
Rep. Bobby Levy, Vice Chair

RE: Oppose HB 3107

Chair Lively, Vice Chairs Gamba and Levy, thank you for the opportunity to testify before you today. For the record, my name is Susan Allen, and I represent the over 39,000 members of Oregon AFSCME, including the workers at DOJ, DOC, and AFSCME Local 3336 at DEQ.

Oregon AFSCME opposes HB 3107 as introduced, and the dash one amendments, based on feedback from our DEQ members:

- It mandates the state to outsource work currently done by union workers at DEQ who we represent, creating potential conflicts of interest.
- There is no FTE allocated for DEQ to do this skilled and technical work, directly.
- This bill applies to all DEQ permitting processes, including those that are regulating toxics.
- The 20–45-day confirmation of process and the 12-month timeline are not practicable.

Oregon currently uses the gold standard for our permitting process, so the permitting specialist that receives the request shepherds the process through completion. The reason to do that is to ensure the highest fidelity of information between the DEQ expert and the requestor. They will both know all of the commitments made and there is a high level of accountability that best ensures appropriate stewardship of our natural resources, consistent with the 19 state planning goals.

With a very large business requesting permits that likely will change to meet new demands over the course of the permitting process, each change in request will require a step back or pivot to address the revised needs in the permitting process. So, the permitting steps for a “mom and pop” small business will be more streamlined than the needs of a very large entity.

The fast-tracked process described in HB 3107 allows entities seeking permits to pay more for a fast-tracked permitting process. This process is currently available, but it is the exception and not the rule. If you think of the finite state permitting resources as the water in a river, the vast majority of permitting requests utilize the mainstream of the river. The “fast track” exception for those who can pay more for faster service is an upstream tributary. HB 3107 will divert more water (state permitting resources) to the upstream tributary, leaving less resource for those who are not able to pay more, including small(er) businesses. So, the result will be those who have more money, will be the exception not the rule, which brings up issues of access in this policy.

Furthermore, it is difficult to have a full scope of the permitting needs at time of receipt. Both HB 3107, and the dash one amendments mandate that within 20 days (in the base bill) or 45 days (in the dash one amendments), DEQ must notify the requester that the permit is denied or the permit is granted commit to a twelve-month permitting period, which if requested from an entity like Amazon, is likely to change as the business needs of a rapidly expanding entity evolve over the course of the permitting process. Each change requires DEQ to shepherd new needs into the existing permitting request, which takes time.

In section 1, 11, the bill goes further to say

“(11) Notwithstanding subsection (2) of this section, the department shall, in a timely manner, enter into an agreement under subsection (1) of this section with the applicant, permittee or regulated entity if: (a) At least one year has passed since the department determined that the applicant, permittee or regulated entity was not entitled to enter into an agreement under subsection (1) of this section; (b) There is not a pending proceeding for judicial review of the notice provided under subsection (3)(a)(B) of this section; and (c) The regulatory process for which the applicant, permittee or regulated entity sought to enter into an agreement has not been completed.”

This language strengthens the ability for a permitting requestor to use an alternate path. It says that if DEQ cannot meet the designated window of time, then the State is mandated to use a contractor. The contractor would be providing permitting expertise where the state currently uses state employees, who are AFSCME members. Additionally, the likelihood that the contractor may have a conflict-of-interest increases, as there are a limited number of people who are trained in this process. If the permit requestor directly or indirectly pays for the contractor, that potential conflict of interest increases, and the quality of the permitting process will likely diminish.

Please oppose HB 3107. It mandates outsourcing and sets a different permitting standard for big business.

Thank you,

Susan Allen
Political Coordinator, Oregon AFSCME