

Testimony – HB 3814 (Oregon)

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Chair Lively, Vice chair Gamba, and members of the Committee  
Thank you for this opportunity to comment in support of the dash 1 amendment to this bill.

Headquartered in Astoria, Oregon, **WCSPA represents shoreside seafood processing companies and related businesses located in Oregon, Washington, and California.** WCSPA members process the majority of Pacific hake (whiting) and groundfish (rockfish, sole, sablefish) landed on the U.S. West Coast, in addition to Dungeness crab, Pacific pink shrimp, salmon, albacore tuna, and other important species. **Our companies support a billion-dollar industry and employ thousands of workers in harvesting, processing, transporting, and distributing sustainable seafood in Oregon, across the country, and throughout the world. We are essential workers, we are sustainable and responsible food producers, and we contribute significantly to our State's and our Nation's food security.**

**I want to first emphasize that seafood processors are not seeking an exemption to our bacteria limits. We support the amendment to this bill that will allow for a mixing zone for bacteria limits. This is an issue we have fully investigated and vetted with DEQ. This is not a matter of deregulation. This is a matter of supporting scientific fact. We worked in close communication with DEQ on the amendment language, and we are confident this amendment will address one of our most significant technical challenges while continuing to protect the environment and public health.**

As Rian indicated, Over the last year and a half, we worked long and hard with DEQ to investigate a number of complex and longstanding technical challenges related to wastewater permitting. Through this collaborative process, one issue – the current inability of DEQ to provide an MZ for limits on bacteria (*E. coli* and *enterococcus*) – rose to the top as one of the most significant outstanding challenges – and one that requires attention from the OR legislature to resolve.

**As currently interpreted by DEQ, OAR 340-041-0009 does not allow for mixing zones for our bacteria limits. That is because the limits were developed based on protection of public health from exposure to human fecal sources. The rule currently does not differentiate between human and non-human fecal sources. Simply put, *seafood processing is not a human fecal source of bacteria.* We are asking for a clarification to the rule to reflect this fact, and we have plenty of science to support it.**

**By not differentiating between human and non-human fecal sources of bacteria, the rule implies a false equivalency of risk between bacteria originating from human sources and non-human sources. Scientific research conducted over the last 20 years has clearly demonstrated**

**significantly lower risk – 100 to 10,000 times lower – associated with bacteria of non-human origin. This has been recognized by the Environmental Protection Agency.** This scientific understanding has led the EPA to release new guidance and propose a methodology to develop alternative recreational water quality criteria for waters impacted by non-human origin fecal indicator bacteria (See *Developing Alternative Recreational Criteria for Waters Contaminated by Predominantly Non-Human Fecal Sources*, EPA July 2024). Similar consideration should be applied to effluents containing indicator bacteria of non-human origin by specifying that OAR 340-041-0009(6) applies to “human fecal sources,” thus allowing for mixing zones for non-human sources, including seafood processing facilities.

**This amendment will allow DEQ to apply a mixing zone to our bacteria limits so that we at least stand a chance of being able to meet the limits with our best available technology...and so that we are working under regulations consistent with our neighboring seafood processors in the states of WA and CA.**

**Make no mistake about it - Without a mixing zone and without the availability of treatment technology to meet human fecal source standards, the seafood processing industry will not be able to install an adequate treatment system, we will not be able to operate with a viable permit, and we will be forced to discontinue seafood processing operations in Oregon.**

**This is not a new issue to come before the legislature. We were in front of this Committee two years ago talking about this. Members of the Oregon legislature have submitted comments to DEQ regarding this issue a number of times over the last several years. In May 2019, Oregon’s Coastal Caucus submitted written comments to DEQ, stating that they believe DEQ is misinterpreting OAR 340-041-0009 with respect to the application of bacteria limits to seafood processing facilities. In their comments, the legislators advocated for a mixing zone and said the challenges related to the seafood processor permits’ bacteria limits could cause negative impacts on jobs and economies in their districts, and the loss of seafood processor would have negative ripple effects in coastal areas. The Coastal Caucus just recently reiterated these comments to DEQ in a comment letter to DEQ late last year (Triennial Review Workplan comments, December 2024).**

**Seafood processing is a more than 100-year-old industry in Oregon that contributes greatly to Oregon’s economy and food security, supports thousands of full-time jobs, and prides itself on environmental sustainability. Many seafood processing facilities are located at Oregon ports in underserved rural communities along the Oregon Coast. Revision of the bacteria water quality standard, including inclusion of a mixing zone for seafood processing NPDES (wastewater) permits is essential for seafood processors to remain operational in the State of Oregon.**

**We understand there have been some concerns expressed about the bill – We are extremely confident that this amendment will continue to protect public health and the environment. We are absolutely willing to work with the folks that have expressed concerns to make sure they are addressed in the bill language.**

**We very much appreciate the Committee's consideration of this bill and its amendment that will allow DEQ to grant mixing zones for our bacteria limits. We look forward to working with you on this bill.**