



CONSOLIDATED OREGON INDIVISIBLE NETWORK

To: House Committee on Judiciary
From: Consolidated Oregon Indivisible Network (COIN)
Re: IN OPPOSITION TO HB 3666
Date: March 20, 2025

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the House Committee on Judiciary:

The Consolidated Oregon Indivisible Network (COIN) **opposes HB 3666 and we urge you NOT to pass this bill out of committee.** COIN is a coalition of over 50 local Indivisible groups throughout Oregon that work together to advance important federal and state legislation and engage with elected officials to promote progressive causes for the benefit of all Oregonians.

Many of our members have experienced the trauma and loss of wildfires, so we've been paying close attention to this bill. Requiring public utilities, and allowing consumer-owned utilities, to apply for a wildfire safety certificate based on their proposed "wildfire protection plan" may seem, on the surface, like a good idea. But we believe this bill, as written, could be used to immunize utilities from liability for wildfires they cause. This is obviously a really bad idea.

While we appreciate [Representative Marsh's stated goal](#) for this bill: "to set a high standard for utilities for wildfire mitigation work and keep communities safe," we don't believe this bill achieves that goal, even with the -1 amendment.

A one sentence change was offered by the -1 amendment:

“(5) A wildfire safety certification establishes that an applicant has established and implemented wildfire policies and practices consistent with the commission’s wildfire safety standards on the date the certification is issued.”

This says nothing about whether or not the certificate can be used by utilities as a liability shield in court.

More significantly, the following language still remains, stating the certificate shows that the utility:

(a) Is prudently and reasonably implementing the wildfire protection plan and has taken actions identified in the wildfire protection plan.

(b) Has identified any actions identified in the wildfire protection plan that have not been implemented, provided adequate justification for not taking such actions and established dates by which such actions will be taken.

Because it requires the PUC to make a finding that the utility is acting "prudently and reasonably," we believe the certification could still be a liability shield.

Also, there is a common law doctrine that compliance with specific government regulatory requirements can negate a finding of "negligence" in court. The often quoted Restatement (Second) of Torts § 285 states:

Even where a legislative enactment contains no express provision that its violation shall result in tort liability, and no implication to that effect, the court may, and in certain types of cases customarily will, adopt the requirements of the enactment as the standard of conduct necessary to avoid liability for negligence. The same is true of municipal ordinances and administrative regulations.

Finally, the certification serves no other purpose. Utilities are already required to have and follow a wildfire protection plan. The certification does not make the utility, nor the residents in its management area, any safer.

Please DO NOT vote to move HB 3666 forward.

Respectfully,

Deborah Ferrer, The Dalles
on behalf of the Consolidated Oregon Indivisible Network (COIN)
www.coinoregon.org