

March 21, 2025

RE: Opposition to HB 3814

Dear Chair Representative Lively and Members of the Oregon House Committee on Climate, Energy, and Environment,

I am writing to express strong opposition to HB 3814 because as currently written, this bill would prevent the state's Environmental Quality Commission and the Department of Environmental Quality (DEQ) from enforcing water quality standards for bacteria in effluent discharges from seafood processing facilities. This irresponsible bill threatens the health of our coastal waters, fisheries, communities, and related economies by removing critical regulatory oversight and control of bacterial pollution. If this bill moves forward, amendments for the protection of public and environmental health are needed.

Unfortunately HB 3814 in its present state is deeply flawed and would expose the seafood industry, the public health, and Oregon's coastal and bay environments to a long list of negative impacts, would be unlawful under the federal Clean Water Act, and would expose the state of Oregon and the seafood industry to prolonged litigation with little likelihood of success for either party.

I strongly commend and support the efforts of the ODEQ and the West Coast Seafood Processors Association (WCSPA) to work cooperatively to find a successful resolution to the problematic issues related to HB 3814. However, I recently read a statement by a well-intentioned non-scientist representative of the west coast seafood industry that "...wastewater from seafood processing does not contain the bacteria harmful to human health...".

As a scientist who has over the past several decades been very involved in coastal and estuarine water quality issues including pathogenic microbes, and who's worked on catch sampling of fin fish and invertebrates on commercial fishing vessels landing catch at processors, I find no evidence, scientific or otherwise to support the above statement. I say this because in my 45 + years of professional experience, qualitatively, where there's landed seafood there's very high likelihood for microbes, including harmful (pathogenic) ones, to occur on or in their bodies, feces or other related materials (often visible when sampling), at least from secondary contamination.

Objectively there is considerable scientific evidence indicating that the industry statement above is not fact based. In reality seafood processing effluent typically contains high levels of organic matter and bacteria, including pathogenic microbes and in some cases, fecal coliform, and that such effluent is a more than sufficient organic matrix for rapid bacterial multiplication. Therefore it stands to reason that the quality of fish is strongly determined by bacteria presence associated with landed seafood. In this context, the use of E. coli as a sanitary indicator for fish samples has been used since the 1930s, and since then has been widely applied as a microbiological quality factor where fecal contamination is concerned. Related, although it has been claimed by some in the seafood processing industry that seafood byproducts don't "produce" or contain bacteria, this is simply not the case. While landed seafood may not produce microbes *per se*, microbes present with seafood can rapidly multiply to harmful levels. This is based on the fact that there are ubiquitous rich microbial ecosystems called microbiomes associated with virtually everything in or from the ocean, dead or alive, which can include fecal,

enterococcus, or other single celled or multicellular microbial pathogens. In most cases these microbiomes are, at best, under characterized and need to be for issues such as this.

Collectively, these microbial contaminants in processing effluent can degrade water quality, harm marine wildlife, and pose significant risks to public health, and likely, to land-based wildlife. Pollution from organic materials in effluent from seafood processing facilities also has other well-documented negative impacts on water quality, including increased nutrient levels that lead to the occurrence of harmful toxic algal blooms, hypoxia (greatly reduced oxygen levels), and hence increased probability of localized dead zones on or within benthic (sea floor) habitats in the vicinity. Weakening or eliminating regulatory oversight would allow unchecked pollution to enter Oregon's estuaries and nearshore waters and endanger fisheries, aquaculture, economies, the health, welfare and livelihoods of those dependent on clean water, healthy marine environments, and the seafood that depends on these.

DEQ's bacterial standards on seafood processing effluent were put in place to protect public and environmental health. Not only do these regulations protect people from illness via physical contact with wastewater, but they also protect seafood consumers. The bacteria found in effluent are not necessarily what directly makes people sick, rather they can be indicators of other more dangerous pathogens associated with fecal coliform and other pathogenic microbes. In fact, bacterial pathogens are regularly responsible for the closing of shellfish harvest periods and entire oyster aquaculture operations in Oregon and elsewhere due to increased risk of foodborne illness. Ironically, this harms the seafood industry at large, including seafood processors who rely on shellfish as a product.

Furthermore, coastal water contact advisories are a critical component of protecting public health in the tourism and recreational sectors, and these advisories also rely on indicator bacteria to keep the public informed on potential risks. A Scripps study from 2021 pointed out that in the U.S. alone, an estimated 90 million cases of waterborne illness of the gastrointestinal tract, ear, eye, respiratory tract and skin occur every year from recreational contact. Discharge in our estuaries eventually makes its way to our coastal ocean, where people regularly recreate - boat, fish, surf, etc. Coastal communities deserve stringent water quality protections to protect their health and wellbeing and their economies reliant on tourism and ocean recreation.

Moreover, this bill as it now stands sets a dangerous precedent in that it would exempt a specific industry from compliance with essential environmental standards. If passed, it could open the door for further erosion of clean water protections, undermining public trust and the long-term health of our coastal waterways, communities, visitors and industries. It would also be a violation of the Clean Water Act and would amplify recent rollbacks to environmental regulations related to sewage discharge at the federal level, further endangering public health and safety.

Therefore I recommend to you and your other colleagues in the legislature the precautionary principle as regards HB 3814, and that the above issues be verified or refuted with rigor at local sources — before taking any further action on the bill, or making related public statements, in order to maintain the credibility of: the State of Oregon decision making process to be based on verifiable scientific, technical or other demonstrably factual evidence; the legislature; other concerned interests, and; the overall efforts to make this an effective bill that serves the environment, seafood industry, coastal communities and all Oregonians. Lastly, as stated by industry representatives the language in HB 3814 as introduced is NOT what WCSPA - the

processors - were asking for.

I therefore urge you to table or reject HB 3814 and support WCFPA and DEQ's good-faith cooperative efforts to develop well-intentioned and responsible regulations aimed at maintaining clean water and protecting public health. If the committee chooses to move forward with this bill, I strongly encourage bill sponsors to include amendments that provide specific measures to protect public and environmental health, as has been done in other coastal states including WA, CA, and AK.

Thank you for your consideration of this public comment.

Respectfully submitted,

Lawrence Basch, Ph.D.