

Concern that state agencies will run amok under SR 28-1

Testimony of Philip H. Carver, Ph.D.

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Before the Senate Rules Committee

In support of SJR 28-1

For the hearing of March 26, 2025

Greetings Chair Jama and members and staff of the committee

I am the same Philip Carver who submitted written testimony from the Oregon Coalition for an Environmental Rights Amendment that the current system for regulating toxic pollutants is broken.

This testimony addresses the concern that under SJR 28-1 that **agencies will run amok. This concern is unfounded** in the reality of state agency decision-making and action. This has not occurred in other states that already have the right to a healthy environment in their constitutions, notably Montana and Pennsylvania.

Under SJR 28-1 **the governor, Legislature and courts will oversee any disputes** about enforcement of the right to a healthy environment and implementation of the public trust doctrine beyond navigable rivers.

I spent 37 years working for the Oregon Dept. of Energy and as staff to the Public Utility Commission. The governor oversees all agency decisions. He/she appoints all boards and commissions and most agency heads, subject to Senate confirmation.

As an elected official, the governor pays close attention to consequences of agency actions and likely public reactions. Agency heads and administrators consult with the governor's staff on major decisions, and often directly with the governor. If directors act unreasonably, the governor will dismiss them.

Agencies are well aware that citizens will contact their legislators when they are concerned. The **Legislature controls agency budgets – the ultimate power of the purse.**

The level of agency funding will set the level of resources they have to investigate environmental threats to health and safety of Oregonians.

Courts will oversee implementation of the right to a healthy environment and the duties of the state under the public trust doctrine. This doctrine already applies to the water and the riverbed of navigable waterways. The amendment, if passed by the voters, would expand this doctrine to cover air and groundwater.

It would require that the *State shall conserve and maintain them* [public natural resources] *against substantial impairment*. Future generations should not be left with their commonly-owned natural resources further impaired by our generation. **Our legacy should be that we reasonably maintained Oregon's public natural resources for their future use and that we protected the health and safety of Oregonians from environmental threats.** Neither outcome is happening now.

Thank you for the opportunity to testify.

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