

March 26, 2025

RE: Senate Joint Resolution 28

Dear Chair Jama, Vice Chair Bonham, and Members of the Committee,

Associated General Contractors – Oregon Columbia Chapter represents a broad cross-section of the commercial construction industry, including open shop and union, rural and metro, highway and building contractors. Most of our members are small, homegrown businesses, doing business throughout Oregon.

We write to express our serious concerns regarding SJR 28 as introduced and as modified by the proposed -1 amendment. While we fully support the goal of protecting Oregon’s environment for current and future generations, we urge you to carefully consider the unintended consequences this measure could have on the construction industry and the state’s economy. We respectfully request that SJR 28 not move forward in its current form due to its overly broad scope and the significant challenges it would pose for contractors working to meet Oregon’s infrastructure and development needs.

SJR 28 seeks to amend the Oregon Constitution to establish a right to a clean and healthy environment, including provisions that allow individuals to pursue legal action to enforce this right. While the purpose is admirable, the language as introduced—and even with the proposed -1 amendment—creates an expansive framework that could inadvertently target standard construction practices essential to building housing, schools, roads, and commercial facilities across the state.

One of our primary concerns is the provision allowing legal action based on a “threat of harm” to the environment. This vague standard opens the door to a flood of claims rooted in subjective perception rather than measurable impact. For example, excavation—a fundamental step in many construction projects—naturally generates dust. Even with the best mitigation efforts, such as water suppression or wind barriers, airborne dust could be interpreted as a “threat of harm” under SJR 28, exposing contractors to lawsuits despite their compliance with

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existing environmental regulations. Similarly, noise from heavy machinery, temporary runoff during site preparation, or even the mere presence of construction equipment could be construed as actionable threats, regardless of whether actual harm occurs.

The -1 amendment, while attempting to refine the bill, does not sufficiently address these concerns. It retains the core framework of citizen-initiated enforcement and fails to clarify what constitutes a “threat of harm” or establish reasonable thresholds for liability. Without clear boundaries, contractors face unpredictable risks that undermine their ability to plan, bid, and execute projects efficiently. Small and midsize firms, which form the backbone of Oregon’s construction industry, would be especially vulnerable, as they lack the resources to absorb legal costs or delays.

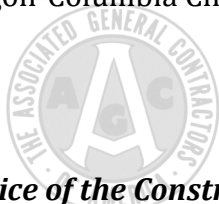
We recognize the importance of environmental stewardship and are committed to sustainable practices. Our members already adhere to a robust framework of state and federal regulations designed to balance development with environmental protection. However, SJR 28’s expansive approach duplicates and complicates these existing safeguards, creating uncertainty rather than clarity. Policies addressing environmental protection must be carefully crafted to avoid stifling the industries that build Oregon’s future.

For these reasons, we respectfully urge you not to advance SJR 28. We stand ready to collaborate with lawmakers to develop practical, balanced solutions that protect our environment without imposing undue burdens on Oregon’s construction sector.

Thank you for your consideration.

Sincerely,

Tanner Lloyd
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