



# WaterWatch of Oregon

## Protecting Natural Flows In Oregon Rivers

### HB 4073

#### Testimony of WaterWatch of Oregon

by Kimberley Priestley

#### House Committee on Rules

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Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

**WaterWatch strongly opposes HB 4073:** HB 4073 will allow increased influence of regulated entities over state agency rulemakings and also alter judicial review standards in a way to hinder agency actions, programs and rules.

HB 4073 mandates that for any rule that will result in new requirements, changes to compliance obligations or new or increased costs for persons that are regulated by the agency that at least  $\frac{1}{2}$  of a rules advisory committee (RAC) be comprised of the regulated industries under the program within the agency undertaking in the rulemaking. This puts other interested entities--including the public, environmental justice groups, conservation groups, tribes, and federal, state and local governments-- at a disadvantage.

The bill also imposes new time-consuming fiscal evaluations that serve business interests over the public. Among many new requirements, this would require fiscal analysis of opportunity costs of compliance, which benefits the industry perspective even more.

Additionally, HB 4073 changes to the standards for judicial review of contested cases and orders in other than contested cases, exposing agencies to claims they are operating in an arbitrary and capricious manner. This new standard would also apply to decisions of the Columbia Gorge Commission.

Specific to natural resources, HB 4073 elevates regulated entities and businesses over the protection of the lands, waters, forests, deserts, coasts, clean air, fish and wildlife that are so important to the people, cultures and economies of our state.

All in all, HB 4073 creates an unbalanced, unfair and ineffective layer of interference in agency rulemakings and decisions.

Agencies are charged with serving the public at large; this bill elevates the interests of business over the lives of everyday Oregonians. We urge the Committee to oppose this bill.

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