



Oregon
Environmental
Council

February 2, 2021

Chair Prusak and Committee Members
House Committee on Health Care

RE: HB 2077

Dear Chair Prusak and committee members:

Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization advancing innovative, collaborative and equitable solutions to Oregon's environmental and environmental health challenges for today and future generations.

We write in support of HB 2077, which would add statutory authority for Oregon Health Authority (OHA) to compel cleanup of a lead-contaminated site, when OHA has determined that a property owner has violated lead-based paint requirements (ORS 431.358). The negative health impacts of lead exposure are well known—ranging from developmental and neurological delays, cancer, miscarriages in pregnant women, and reproductive disorders. Lead exposure is a public health hazard, and it is necessary for OHA to be able to compel and/or perform lead-based paint inspections, risk assessment and hazard control or abatement services, renovation activities and to issue a stop-work order if necessary. Specifically, HB 2077's addition of "hazard control" to the list of OHA's authority would ensure that workers are protected from harmful lead exposure.¹

The bill saves agency resources by explicitly allowing OHA to contract with a certified third party to obtain a lead-based paint risk assessment or to perform lead abatement as identified by a risk assessment.² And it also prevents potential fraud by ensuring that the agency may confirm the licensing of the lead abatement or hazard control specialist. The agency may also issue penalties for those who perform these duties without a certification or hire someone who is not certified.

Lastly, HB 2077 adds much-needed "teeth" to enforcement actions. Toxic chemical exposure and lead poisoning must be taken seriously. Many times, an unassuming tenant or a construction worker suffer the impacts of chemical exposure because the appropriate hazard remediation or controls were not taken. We are supportive of a civil penalty of up to \$5,000 per violation, and to allow OHA to take out a property lien against those who refuse or fail to pay their fines. We are also supportive of giving OHA the authority to impose the responsibility of the costs of abatement or hazard control on the bad actors who violate ORS 431.355.³ And we are pleased that HB 2077 also takes into account the need for intra-agency coordination by mandating OHA report all civil penalties issued to

¹ Section 1(1)(e).

² Section 1(2).

³ Section 2(1); Section 3(7)(b).

the Construction Contractors Board (CCB), OSHA's Department of Business and Consumer Services, and the Department of Environmental Quality (DEQ). Also, equally important is the consideration of due process. HB 2077 allows property owners to request an adjudicative hearing in front of OHA if they received a citation or penalty.⁴

We hope you join environmental and health advocates in supporting this bill.



Sincerely,

Jamie Pang South
Environmental Health Program Director

⁴ Section 2(2)(b).