

HB 3525 Rulemaking Advisory Committee (RAC)

Meeting Minutes

Date: August 20, 2026

Time: 1:00 PM- 2:15 PM

Facilitator: Steve Jetter, Oregon Health Authority/ORELAP

Attendees

Oregon Health Authority (OHA) Staff

- Steve Jetter, Program Manager, ORELAP (Facilitator)
- Sasha Ruddy, Healthy Waters Unit
- Ana Pineyro, Healthy Waters Unit
- Sam Gallia, Healthy Waters Team

RAC Committee Members

- Nick Sirovatka, Oregon Department of Agriculture
- Chrissy Lucas, OSU Extension Service
- Roselyn Poton, Verde
- Tessa Willburn, Oregon Water Resources Department
- Amy Patton, Oregon DEQ
- Carl Nott, Apex Laboratories
- Kim Ramsay, NRC Labs
- Brock Nation, Oregon Realtors

Agenda

- 1. Meeting logistics**
- 2. Review of Division 64 rule changes for laboratory accreditation**
- 3. Discussion of rule language, reporting timelines, and operational impacts**

4. **Statement of Need, Fiscal Impact, and Racial Equity Impact review**
 5. **Questions and comments from RAC members**
 6. **Next steps and timeline for public comment**
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Discussion Summary

1. Meeting Procedures

- Participants reminded to speak slowly, state name/affiliation each time, and use the raise-hand function.

2. Rulemaking Context & Review of Proposed Division 64 Rule Changes

- This is the second Rulemaking Advisory Committee meeting on rulemaking required by House Bill 3525.
- This meeting focuses on Division 64 rules covering laboratory accreditation and test reporting requirements.
- Division 61 rules were addressed in the prior meeting.

Key changes presented by Steve Jetter, OHA:

- Updating rule purpose and scope to include domestic well testing for rental dwelling units.
- Clarifying that testing must be conducted by ORELAP-accredited drinking water labs.
- Adding references to ORS 90.321 (Landlord Testing statute).
- Discussion of whether terminology should be updated to reflect “groundwater quality management areas.”
- Committee members emphasized ensuring clarity between drinking water accreditation requirements and domestic well testing.

Feedback & Concerns Raised by Committee:

- Clarify that labs must be accredited specifically for drinking water matrix.
- Consider revising language such as “*contracted by landlord*”, which may not reflect actual practice.

- Add “landlord’s agent” to rule language to account for pump companies or other sample submitters.
- Questions around state vs. out-of-state accredited labs and potential confusion for landlords searching for labs.

4. New Reporting Requirements Section

A new section was reviewed covering:

- Reporting timelines (10 days after month-end, or 24–48 hours for exceedances).
- Reporting to both landlord and OHA simultaneously.
- Requirements for subcontracted labs.

Major feedback:

- The 10-day-after-month-end timeline mirrors federal drinking water rules but may not be appropriate for this scenario; committee members suggested revisiting it.
- Labs emphasized the importance of clear chain of custody (COC) forms identifying landlord-testing samples.
- Suggestion that OHA create a standardized COC form to avoid misreporting and ensure timely results.
- Subcontracted labs must be explicitly informed when work falls under landlord-testing rules.
- Importance of landlord notification upfront so labs know reporting timelines apply.

5. Statement of Need, Fiscal Impact, & Racial Equity Impact

Key discussion points:

- Cost estimates (generally \$40–\$300 depending on analytes).
- Chrissy Lucas, Oregon State University Extension, clarified subsidized county testing programs generally cannot be used by landlords.
- The committee recommended:
 - Updating language where “groundwater management areas” appear.
 - Clarifying language around testing frequencies (“depending on the results,” not “initial results”).

- Ensuring clarity regarding very small system definitions (Tessa Willburn, OWRD noted corrections needed).
- Considering well tag ID requirements for consistent reporting.

Concerns raised:

- Labs may bear disproportionate administrative burden since the landlord testing rule has no enforcement mechanism, and only labs face compliance risk.
- Possible lack of incentives for landlords if results aren't public or enforceable.
- Discussion on whether public access to test results could improve compliance.

6. Additional Operational Considerations

- Labs will likely require payment upfront from landlords to mitigate financial risk.
- Mixed packages of analytes (e.g., "Top 35") could complicate reporting; what should labs do with optional analyte results not required under rule.
- Data management challenges if landlords test only some analytes. OHA will discuss internally with their information technology team.

Suggested Action Items

OHA / Rulemaking team:

- Review and integrate committee feedback into revised rule drafts.
- Consider updating language around drinking water accreditation specificity.
- Revisit timeline for routine reporting (10-day-after-month-end).
- Develop or consider a standardized chain of custody form for landlord testing.
- Clarify language replacing "contracted by landlord."
- Add "landlord's agent" to rule language where relevant.
- Ensure consistency in "groundwater quality management area" terminology.
- Discuss well tag ID integration with Oregon Water Resources Department.
- Coordinate internal technology meeting regarding reporting system functionality and interfaces.

Labs / RAC members:

- Provide any additional written feedback if needed.
 - Review upcoming public draft during comment period.
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Next Steps

- September: OHA integrates RAC feedback into rule revisions.
- October: Rules filed.
- Mid-November: Public comment period opens (OHA will notify RAC members).
- January 1, 2027: Rule implementation date.