

HB 3525 Rulemaking Advisory Committee

Meeting Minutes

Date: August 5, 2026

Time: 1:00 PM – 3:00 PM

Facilitator: Stuart Dyer, Oregon Health Authority (OHA)

Attendees

Oregon Health Authority Staff

- Rob Benitez-Alicea Smith, Manager, Healthy Waters Unit
- Stuart Dyer, Senior Advisor, Healthy Waters Unit (Facilitator)
- Sam Gallia, Healthy Waters Team
- Kayla Hamme, Water Insecurity Data Analyst
- Gabriela Goldfarb, Environmental Public Health Section Manager
- Steve Jetter, Program Manager, ORELAP

RAC Committee Members

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

Additional participants occasionally referenced representatives joining late or planning to join (e.g., Samantha Bayer).

Agenda Items

1. **Welcome and Introductions**
 2. **Meeting Procedures and RAC Member Roll Call**
 3. **Overview of HB 3525 Rulemaking: Scope, Background, and Timeline**
 4. **Review of Draft Rule Sections (Division 61)**
 5. **Discussion of Testing Requirements, Reporting, and Data Submission**
 6. **Considerations for Lab Processes and Guidance Materials**
 7. **Next Steps and Scheduling**
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Discussion Summary

1. Welcome and Introductions

- OHA staff introduced themselves and provided context regarding the Healthy Waters Unit and support for HB 3525 rulemaking.
- Participants noted wildfire smoke impacts; Gabriela Goldfarb briefed the group before leaving early.

2. Meeting Procedures

- Interpretation options available; Zoom hand-raising procedures reviewed.
- RAC members provided name and organizational affiliation for the record.

3. Rulemaking Overview and Timeline

- HB 3525 requires landlords of rental units in **Groundwater Management Areas (GWMAs)** that rely on exempt domestic wells to conduct water testing for:
 - Arsenic
 - Total coliform bacteria
 - Lead
 - Nitrates
- Overview of Oregon's three GWMAs:

- **Northern Malheur County (1989)**
- **Lower Umatilla Basin (1990)**
- **Southern Willamette Valley (2024)**
- **Timeline:**
 - RAC Meetings: Aug 5, Aug 20, Aug 26
 - September: Integrate RAC feedback
 - October: File rules with Secretary of State
 - November 16: Public comment period opens
 - January 1, 2027: Rules effective
 - June 1, 2027: Deadline for initial testing

4. Draft Rule Review (Division 61 – Drinking Water)

Key areas of discussion included:

Definitions

- Clarification on MCL vs. EPA action levels (lead).
- Statutory definitions for landlord, tenant, landlord’s agent; need to correct missing citations.

Section 326 – Purpose

- Implements ORS 90.321 regarding testing in GWMA’s and reporting requirements.

Section 327 – Scope and Effective Date

- Applies only to rental units in GWMA’s.
- Clarification needed around exempt wells and statutory categories under referenced ORS sections.

Section 328 – Testing Requirements

- Annual testing required for all four contaminants; arsenic required within 30 days of exempt well installation.
- Testing frequency may be reduced to every four years if repeated passing test results occur.

- RAC raised concerns about whether frequency reductions should apply to individual contaminants vs. all.

Sampling Method Concerns

- Several RAC members and lab representatives emphasized:
 - Coliform and nitrate should remain **annual tests**, even with good previous results.
 - Lead testing requires **first-draw** sampling; difficult for non-professionals to perform correctly.
 - High failure rates in the public correctly completing lead sampling were reported.

Delegation of Sampling to Tenant

- Concerns raised about tenants collecting samples properly.
- Some argued tenants may provide more representative samples (e.g., first-draw lead).

Accredited Laboratory Requirements

- Labs must be ORELAP-accredited for the specific parameters.
- RAC requested explicit clarification to avoid submissions to non-qualified labs.

Reporting Requirements

- Landlords must inform labs that testing is required under HB 3525.
- RAC emphasized this is crucial because labs cannot otherwise identify samples requiring reporting.
- Labs requested ability to submit results electronically using **Electronic Data Deliverables (EDD)** rather than filling out forms manually.

Submission Form Issues

- Missing fields for well tag number, GPS coordinates, and unit number.
- Need to capture E. coli results in addition to coliform.
- RAC recommended flexibility for small labs without advanced data systems.

Tenant Notification

- Current draft allows landlords **30 days** to notify tenants of results.
- Multiple members expressed concern this could expose tenants to health risks (especially E. coli).
- Discussion clarified some statutory limits: RAC can recommend changes, but OHA cannot rewrite legislative intent.

Guidance & Support Materials

- Labs and community organizations urged OHA to develop:
 - Clear multilingual sampling instructions
 - Standardized labeling for sample kits
 - Plain-language result summaries for tenants
- RAC members noted that current reporting practices vary widely and often confuse residents.

Enforcement

- No enforcement mechanism included in the law; failures would fall under landlord responsibilities in Oregon's Residential Landlord-Tenant Act (Chapter 90).
- OHA's role is guidance and data collection, not enforcement.

Potential Action Items

For OHA Staff

- Revise rule draft to incorporate RAC comments (e.g., clarify contaminant-specific testing frequencies, well identifiers, tenant notification timelines).
- Address terminology inconsistencies (Groundwater Quality Management Areas vs. Groundwater Quality Concern Areas) as impacted by Senate Bill 1154.
- Update submission form to include:
 - Well tag number or GPS coordinates
 - Unit number
 - E. coli reporting line
- Consult IT staff about enabling **EDD submissions** for labs.

- Develop multilingual sampling guidance with clear step-by-step instructions.
- Provide clarification on statutory constraints, especially around tenant notification timelines.

For RAC Members

- Review updated materials prior to the August 20 meeting.
 - Prepare input on Division 64 (lab accreditation and reporting rules).
 - Submit any additional concerns or suggestions via email to OHA staff.
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Next Meeting

Date: August 20, 2026

Time: 1:00 PM

Agenda to include:

- Review of Division 64 draft rule changes
- Statement of need and fiscal/racial equity impact analysis