

FROM THE DESK OF REP. GREG BARRETO



## Northwest Food Processors Opposes HB 3458-A

NWFPA supports the underlying bill (SB 984) that is contained in HB 3458-A.

NWFPA is supportive of some of the added provisions in HB 3458-A including the added private right of action for employees compelled to work more than 13 hours per day and the "right to rest" provisions.

***However, some of the provisions in HB 3458-A will be extremely detrimental to the food processing industry in Oregon and will severely harm the competitiveness of Oregon processors.***

- NWFPA Opposes the 55-hour mandatory work week cap. Standard shifts in the food processing industry, particularly during harvest seasons, include seven 8's (56 hours), seven 8.5's (59.5 hours), six 10's (60 hours), seven 10's (70 hours), and six 12's (72 hours).

All of these shifts would now require employee consent to work above 55 hours and up to 60 hours per week. Many of these shifts are filled by seasonal employees, many of whom may not consent to working the needed shifts.

- NWFPA Opposes the "undue hardship" provision which only allows shifts to exceed 60 hours for 120 days (17 work weeks) for "perishable" products. The "harvest season" can last much longer than 120 days for food processors. What happens when a processor runs out of "undue hardship" time during processing?

Processing facilities often process a large mix of crops within a single facility and scheduling is dictated by the harvest schedules, crop yields etc. One facility may process corn, peas, carrots, broccoli, cauliflower and strawberries. Some of these have overlap, while others are separate from one another. But in any case, the peak processing period exceeds 120 days.

- NWFPA opposes the 80-hour work week limit that is enforced during the 120 days of "undue hardship." The 80-hour limit does not work for the processing of wine grapes, hazelnuts, or seafood – all of which have their own unique demands and concentrated periods of 80+ hour work weeks.
- HB 3458 will cause irrevocable damage to rural food processors that don't have adequate labor supply. As one NWFPA member testified: *"We operate multiple facilities. Each of our facilities operate 24/7. Our staff often accrue 60 hours + in work hours per week. Hiring more staff to limit work hours would save the company money in overtime costs if staff were available to hire. But they are not. This cap would seriously impact our ability to operate competitively in Oregon and would force us to consider moving production out of the state."*

**For Oregon's food processing industry, the costs of HB 3458 far outweigh the benefits.** It will severely impact the ability of Oregon companies to timely process foods to meet market demands. We will also likely lose workforce to neighboring states with no work week restriction.