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September 3, 2020

Department of Consumer and Business Services
Oregon OSHA
Post Office Box 14480
Salem, OR 97309

Sent via Email: tech.web@oregon.gov

RE: OR OSHA Infectious Disease Standard Rules

Thank you for the opportunity to provide comments on OR-OSHA's Draft COVID-19 Temporary Standard and control measures. The Oregon Dairy Farmers Association joined a coalition letter which was forwarded on August 31, 2020. There are a few idiosyncrasies of the Dairy Sector that we felt should be raised in a separate correspondence for consideration.

It is important to note that every one of our dairy producers has strived to comply with the myriad Executive Orders and changing landscape of guidance documents since the initial onset of the Pandemic and they are continuing to do so. The temporary rules as written are adding to existing guidance and are less than clear for immediate understanding and application for a dairy operation. The dairy industry, from the farm to the processors, have been severely injured economically due to the closure of schools and restaurants which resulted in market disruption and additional volatility in milk prices.

The lack of an available and reliable work force is a reality for every dairy farmer. This reality translates into a heightened commitment to caring for their work force by paying well above minimum wage, providing benefits and a safe work environment all while striving to care for their cows, adhere to regulations and care for the environment. The temporary rules as drafted do not acknowledge the agricultural sector as a diverse and significant economic engine of the State providing jobs and producing food and fiber for Oregonians and across the globe. Dairy farmers do not have the luxury of setting the price for the milk they produce, instead they are paid for each 100 pounds of milk by the processor they contract to sell their milk too. Any additional operational or regulatory costs to the dairy operation are borne by the dairy farmer and cannot be passed along nor is the farmer compensated by their processor for increased costs.

The Rules also make no acknowledgment for the outdoor nature of the dairy farming operations. Employees work outdoors. Employees who work in the milking parlor are in an open-air environment. The temporary rules call for additional sanitation to high touch surfaces. As you can imagine, there are many high touch surfaces in a milking parlor, in the free stall barns, panel gates, etc. The sanitation section of the Rules would be problematic for compliance by dairy producers due to the environment and nature of their workplace.

Dairy farmers are required to comply with many layers of existing regulations including, but not limited to Food Safety Regulations. Every regulation adds to the cost of their operation. These temporary rules may be written with an office environment in mind as opposed to the farm. Therefore, we respectfully request the rules be amended to exempt the outdoor activities of the dairy operation from these Infectious Disease Standard Rules.

Respectfully,

OREGON DAIRY FARMERS ASSOCIATION

A handwritten signature in black ink, appearing to read "Tami Kerr".

Tami Kerr
Executive Director

A handwritten signature in blue ink, appearing to read "Tammy Dennee".

Tammy Dennee, CMP, CAE
Legislative Director

Cc: andrew.stolfi@state.or.us