



We Feed You

TESTIMONY OF FOOD NORTHWEST

on

HB 4212 – Sections 37-39

Joint Committee on the First Special Session 2020

June 25, 2020

Co-chairs Courtney and Kotek and members of the committee. Food Northwest thanks you for the opportunity to comment on HB 4212, and particularly on sections 37-39 of the bill, that create new, unnecessary authority for Oregon OSHA to develop an “infectious disease standard” for select Oregon industries – including food processors.

Food Northwest strongly opposes the adoption of such a standard. OR OSHA already has authority to enforce COVID related provisions of the worker safety standards as they apply to workplace best practices and protection standards. In addition, the legislative language fails to provide clear directive to what an “infectious disease” standard is and how it will be applied in a way that will continue to allow food companies to continue to make and produce food for everyday Oregonians.

COVID -19 caught us all by surprise, but our industry responded quickly. Even prior to Governor Brown’s initial Executive Order, Food Northwest had developed and distributed best practice guidance to our members in order to protect employees and limit the spread of the virus in our plants. This guidance became the template for a national model for food plants and has also been used by many other industries.

As the world learned more about COVID 19, so did we. Our best practices guidance for our members has continued to evolve as we employ industry best practices to protect our employees and the communities where we live and work. As a critical and essential industry, we need healthy employees to continue to operate and produce food for the world.

From the beginning of the pandemic we have been working with federal and state regulators on COVID plant safety measures. This includes OR OSHA, Oregon Department of Agriculture and the Oregon Health Authority, through local health districts. While incredibly challenging, our plants have managed to continue to operate – though many on a modified basis – to protect employees as much as possible.

Given that background, Food Northwest strongly opposes HB 4212 – Sections 37-39. The approach of the bill language is to create a new “infectious disease standard” and to give OR OSHA new authority. This approach is problematic for the following reasons:

- OR-OSHA already has significant and adequate authority to regulate workplaces in a manner that protects workers from COVID-19. A new “infectious disease” standard will increase confusion and increase the cost of compliance and enforcement, with absolutely no additional safety to employees or companies. The State and Businesses do not have the resources to go down this path.
- The bill language does not define what an infectious disease standard is, nor does it shed light on how OR OSHA would arrive at such a

standard. It would seem unlikely that OR OSHA is the right agency to set infectious disease standards nor to apply them to the workplace.

- It is our view that this bill is aimed at the wrong solution. As Oregon businesses, we need access to better systems for providing PPE, accessing and funding COVID testing, and greater small business technical support. Layering on unneeded regulation will only hurt industries that are already suffering.
- Finally, we understand the intent of this language – for some – is to create an unfair presumption of cause for certain industries – including food processors – so that workers who test positive for COVID can receive workers compensation benefits by default, even if there is no evidence that the worker contracted COVID in the workplace. This could cause even more expenses on struggling Oregon businesses and should be rejected.

We urge you to reject HB 4212 – Sections 37-39.