



June 25, 2020

Joint Committee on the First Special Session of 2020

Co-Chair Courtney, Co-Chair Kotek, and Members of the Committee:

The Oregon Wine Council represents growers, producers, and wineries around the state. We urge your support for the -38 amendments to HB 4212, which would provide limited general liability protections to entities that are adhering to state and federal public health guidelines and rules in order to reduce the risk of Covid-19 exposure, and mitigate its spread.

During this pandemic, our members have been working tirelessly to comply with Governor Brown's executive orders, agency mandates, and state public health guidelines to protect our employees and customers. Wineries are multi-faceted businesses, and many of our members have businesses that include vineyards, production facilities, and tasting rooms. As a result, our members are working diligently to follow the guidelines and rules issued by the Governor, the Oregon Health Authority, the Oregon Liquor Control Commission, OR-OSHA, and the Oregon Department of Agriculture. We are doing everything we can to ensure we're in compliance and to establish systems to protect our employees and our customers.

Yet despite all of this, we continue to be concerned about the looming threat of litigation. Even if we could definitively prove that the virus did not spread because of a workplace environment, the legal expenses alone could create devastating financial hardship on many of our small business. We are simply asking that those entities acting in good-faith to follow guidelines and comply with orders are given some protection for doing so.

Additionally, we are opposed to sections 37-39 of HB 4212, which would give OSHA and DCBS broad authority to create infectious disease standards, and would create broad permanent rules instead of a tailored fix specific to the Covid-19 crisis. Our growers and wineries are committed to protecting the health and safety of our employees and customers, and to mitigating the spread of Covid-19. They are investing in significant infrastructure upgrades in order to comply with public health guidelines and OR-OSHA's temporary rules for agriculture. But the costly, permanent rules proposed in sections 37-39 would institute new infectious disease compliance requirements and would permanently increase our liability exposure. As such, we ask that you support the -26 amendment, which removes those sections from HB 4212.

This Legislature has been acting expeditiously to protect Oregonians from losing their homes and their livelihoods. The Legislature should consider liability protection for businesses as a key component to our recovery as a state. We know that Oregon will come out of this crisis stronger than ever, but we need your help to keep businesses like ours afloat in this time by passing the -38 and -26 amendments.

Thank you for your consideration,

**Elin Miller, Co-Chair**  
Umpqua Vineyards LLC

**Ken Johnston, Co-Chair**  
Winemakers LLC