



A STRONG VOICE FOR OREGON'S WORKERS

TO: Chair Lively
Vice-Chairs Kropf and Cate
Members of the House Committee on Recovery and Economic Prosperity

FR: Jess Giannettino Villator, Political Director, Oregon AFL-CIO

RE: Opposition to HB 2334, Employer Thresholds for Agency Rulemaking

March 11, 2021

The Oregon AFL-CIO represents 300,000 workers across Oregon and is a voice for all workers in the legislative process. Stakeholders across the spectrum have become more familiar with the statutes governing rulemaking during the past year, and we all had frustrations with the processes. What's proposed in HB 2334 as drafted is essentially a small employer threshold that would leave countless workers exposed to dangers that rulemaking can now address. We wholly oppose this idea.

If the intent of the proponents is flexibility for employers that cannot come into compliance with new rules, we would encourage them to look at current processes already in place at Oregon OSHA with their feasibility standard and at the Bureau of Labor and Industries with their undue hardship provision instead of this far reaching overhaul of the statutes governing the rule making processes. Both agencies allow for accommodations, and sometimes outright exemptions from components of rules or statutes that the employer *truly* cannot comply with.

The majority of Oregon workers work for small employers. So while, we can understand the concern with costs associated with compliance on small employers we vehemently oppose the proposed idea in HB 2334 that those workers could be outright exempted from rules like:

- OFLA protections for childcare needs that ensure a subset of workers cannot be fired for needing to care for their children
- COVID-19 infectious disease rule that protects workers against needles exposure to COVID-19, to date 93 workers have died as a result of workplace exposure according to OHA
- DCBS' quarantine fund to ensure workers without COVID-sick leave can afford to take the time they need quarantine and more

Furthermore, we would encourage this committee to look further into the rulemaking process as it relates to fiscal impact statements. The statute only requires the cost of compliance to be calculated, not the potential return on investment. The purpose of the fiscal impact studies are to ensure the agency has an understanding of what they are requiring of the regulated body, without a requirement to also calculate the return on the investment we don't see the true cost or benefit.