



March 29, 2021

Dear Chair Holvey, Vice-Chairs Bonham and Grayber, and Members of the House Business and Labor Committee,

My name is Hai Ninh, and I am a business consultant, commercial actor, community organizer, and a former farmworker. My family and I started our American Dream journey literally from the ground up, on our muddy knees picking strawberries for \$0.08 cents per pound. My mother came to America in 1975 as a refugee boat person from Vietnam after the war. My 3 siblings and I were lucky enough to be born in the United States. Despite our humble and gritty beginnings picking berries: strawberries, blackberries, blueberries, bosen berries, and raspberries. (I feel like the Bubba of Berries, like Bubba from Forrest Gump who knows his shrimp) My siblings and I would get woken up at 4AM, my single mother would obviously wake up earlier to prep food and supplies to head out to the fields and pick berries. My single mother, 3 sibs, and I would pick berries, oftentimes pre-dawn sunrise to sunset, 14+ hour days, for a handful of summer breaks during our grade school years while our classmates were traveling or at summer camp.

During these 14+ hour days of doing back-breaking work on scorching hot days, I had no concept of what overtime was and how it could help the other Vietnamese, Russian, and LatinX families toiling in the fields at the time, doing their best to support their families. HB 2358 would be a tremendous support for families and especially families starting from scratch in America.

My siblings and I definitely didn't get a typical summer break to play and recoup like my other classmates and that was a big source of resentment and has taken years of therapy to process. It's been a long journey for me to get to this point to share my family story publicly to support my LatinX and farmworker brothers and sisters. I hope my family story helps you to see the humanity, empathize, and take action to support our farmworkers, who are some of the many unsung heroes during this pandemic.

HB 2358 would:

- a. HB 2358 guarantees overtime pay to agricultural workers after 40 hours in a workweek at one and one-half times the employee's regular rate of pay.
- b. Oregon would join five other states (California, Washington, New York, Minnesota, Hawaii) with some sort of overtime pay for agricultural workers.
- c. Ends the racist exclusion of farmworkers from the Federal Labor Standards Act.
- d. Recognizes farmworkers as essential workers deserving of overtime pay. Equal is equal regardless of type of employment.



- e. According to OHA, there are an estimated 174,000 migrant and seasonal farmworkers, and related family members, that contribute to Oregon's multi-billion dollar agricultural industry.¹
 - f. Creates economic stability to a class of workers who have been excluded from basic labor standards such as minimum wage, collective bargaining rights, and OT pay.
 - g. With better wages, there will be an increase in consumer spending, especially in local businesses and rural communities.
2. Why HB2358 is Important:
- a. Farmworkers are frontline workers who continue to show up despite facing a respiratory pandemic, wildfires, and more recently, a winter storm. Agricultural workers deserve to be paid fairly for their labor.
 - b. Farmworkers are underpaid and exploited for their cheap labor. According to the National Agricultural Workers Survey, individual farm workers earn \$15,000 to \$17,499 a year and families are estimated to make between \$20,000 and \$25,000 a year.²
 - c. Their work is place-based and time-bound (due to crop harvest windows), which puts them at higher risk of adverse health effects from prolonged exposure to extreme heat and wildfire smoke. Wildfires happen most often during peak harvesting season when workers can earn the most money and may be forced to choose between their health and putting food on their families' table.³
 - d. Most of these workers and their families do not have healthcare coverage through their employer. As a result, migrant and seasonal farmworkers experience higher rates of specific health problems such as diabetes, hypertension, cardiovascular disease and cancer than most other Oregonians.

I strongly urge you to vote yes on HB 2358 to ensure farmworkers in Oregon are adequately paid for their labor.

Sincerely,
Hai Ninh
Self-Employed
Business Consultant
Commercial Actor and Print Model

¹ OHA, Vital Role of Migrants in the State Economy.

<https://www.oregon.gov/oha/HPA/HP-PCO/Pages/Migrant-Health.aspx#:~:text=An%20estimated%20174%2C000%20migrant%20and,multi%2Dbillion%20dollar%20agricultural%20industry>.

² National Farm Worker Ministry: Low Wages <http://nfwm.org/farm-workers/farm-worker-issues/low-wages/>

³ OHA, Climate and Health in Oregon 2020 Report, 21.

<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/2020/Climate%20and%20Health%20in%20Oregon%202020%20-%20Full%20Report.pdf>