

## HB 4002: Oppose

I strongly oppose HB 4002. I am a pear grower in Hood River, and I have been involved with this ag overtime issue from the beginning. I am part of the coalition of ag producers and organizations, I have led farm tours with legislators, I have attended every legislative workgroup meeting held over the past 6 months, and I have openly shared information about my own operation, including our financials, in order to help lawmakers understand why we are fighting for a policy that allows for compromise and flexibility. We are fighting because we know the reality: if this legislation passes, everyone loses, including our employees.

Every conversation I have with the other growers about ag overtime ends with the same words being spoken: "We won't survive this." We cannot just dismantle Oregon's ag industry because some are unwilling to recognize the reality of farming. The reality is that ag operations are NOT profitable businesses. There are a lot of reasons for it, but it is the simple truth. Normally we finish our year with a negative balance, sometimes in debt up to hundreds of thousands of dollars.

If this legislation is passed and we are forced into an overtime threshold of 40 hours, there are very few options for us. We will be forced to cap hours at 40 as much as possible, which leads to less money for employees. If we have to cap hours, we can't keep up with the seasonal tasks we need to do to grow high quality fruit. This lower quality fruit brings in even less income than we currently get, and we can't afford to stay in business. Or, we continue doing the work we have to do to grow high quality fruit in the time frame we have to do it, which means during our busiest seasonal work we are paying overtime over 40 hours, and we go out of business because we cannot afford this additional expense.

PCUN and the other labor advocates have made false promises to farmworkers. They have led farmworkers to believe that if this legislation passes, their working hours will continue as usual and the only change will be that they earn more money. That is NOT true: we will do everything we can to cap hours because we have no choice, and ag employees need to understand that they will absolutely lose hours and therefore lose wages.

Look at what is happening in California, the only place where this 40-hour threshold has taken effect long enough to see the results. Farmworkers are reporting that they have lost hours and are having to look for second (and sometimes third) jobs to make up for their loss of income. An article out of Bakersfield described the difficulties farmworkers face now that their hours are limited: "...the new overtime rules have proved financially limiting for ag laborers. Workers anxious for maximum earnings often want to put in longer shifts or a sixth day in the work week. But their bosses are turning them away because overtime isn't in the budget."

Another farmworker quoted in the article said, "it's getting hard paying the bills working only 40 hours per week. Although his hourly rate went up, he said, so have prices on many goods. Without the longer hours, he will have trouble buying clothes and extras for his family."

In the first round of the legislative workgroup I participated in, PCUN said that they wanted farmworkers to earn more money, have more time at home with family, and have time to rest since ag work is more physically demanding. Those are all well-intentioned goals, but the consequences of this legislation will do just the opposite. If farmworkers are facing hour and wage caps at 40 hours, then they will earn less money than they currently do. This will lead to many having to get a second (or possibly third) job, which leads to having even less time with family and less time to rest.

We need a legislative solution to this challenge. Oregon lawmakers chose to pursue this; you made this your priority. Now you have an obligation to find a solution without passing the buck to BOLI. You have an obligation to achieve a true middle ground. You need to find a way forward that helps farmworkers but doesn't hurt producers to the point of going out of business. The future of Oregon's family farms depends on your ability to achieve genuine cooperation and compromise.