

Testimony on HB 4002  
February 9, 2022  
From Jennifer Euwer, pear and cherry producer, Parkdale Oregon

Relevant qualifications to testify:

BA Economics

40 years farming, managing orchards with farmworkers, conducting my business in Spanish. I raise pears and cherries and house 15 families who feed American consumers

***The overtime money not paid to farmworkers is in your pockets as consumers, not in mine as a farmer.***

I'd like to begin by saying that as I watched and listened to the testimony last night I was really moved by what the farmworkers said. It was even more compelling in Spanish. I appreciated what a careful job the translators did at translating the speakers verbatim, but something is always lost in the translation. No person should ever feel "desechable", which is Spanish for "disposable". Especially if they are responsible for keeping this country fed.

Clearly, farmworkers in the United States have not been paid overtime until California and Washington and New York recently changed their state laws. If farmwork had never been exempted from overtime, the cost of overtime would be baked into the price of produce nationwide. But it isn't. **The recipient of the unpaid overtime is the American Consumer. You. Everyone who eats food.**

Farming is as purely competitive an industry as exists. No single one of us can create a monopoly if we are all in competition with each other growing the same product. In my case those products are pears and cherries. My fruit is graded and sized according to federal standards, and when it gets to the consumer it is assumed to be the same as all the other pears and cherries graded the same way. That is why we are "*price takers*". We are not able to raise our prices higher than the market will bear. We are paid according to how much of our fruit is sold for each size and grade each year. Prices change according to supply, which is affected by weather. *It is not affected by decisions of the Oregon legislature.*

**We small farmers have zero ability to change the price we charge for our product.**

**We are not making this up.**

One result of the overtime bill, if passed, is that small farmers will go out of business as the larger vertically integrated packing houses (those that own their own farmland, packing facilities, sales organizations and at times grocery stores) have the ability to pay overtime **in the short run**. And that's who we will be forced to sell ourselves to.

In the long run it is never best for the workforce for their employer to have a monopoly. Or perhaps you think that the power Jeff Bezos now wields is good for his workforcel. (Amazon now owns Whole Foods, and other grocery chains are buying farmland with the goal of controlling the food system from seed to cash register.)

American farm policy has always been conducted with low consumer food prices in mind. We in the U.S. pay around 10% of our income for food. (You pay a lower percentage if you earn more than an average U.S. income). Most citizens around the world spend twice that percentage of their income on food. In Europe it's around double ours.

**The unpaid overtime money is not in my bank account.** It's part of the amassed wealth of the typical American household that has benefitted from this windfall since the overtime exemption was passed 8 decades ago. Expecting me to atone for that out of my own pocket is unfair.

If the Oregon legislature wishes to compensate farmworkers in our state at a rate not required of 46 other states (that's 92% of the states in the US) they should be willing to figure out how to have consumers pay it. Those who eat food are the ones benefiting from it. *It's easier to blame farmers, as we are about 1% of the population (and even fewer of us are dependent on hand labor) and you don't need us in order to be elected. But it's not fair.* Nor is it sustainable. It will lead to the concentration of even more farmland in the hands of larger and larger vertically integrated corporations. If you believe that will lead to better conditions for farmworkers, I'd like to see the proof.

I've worked beside the amazing, ambitious people who have come (mostly from south of the US border) to this country hoping for a better life and education for their kids. Our longtime supervisor arrived 50 years ago at the age of 17 with the hope of providing a better life for his family. He brought intelligence, perseverance, curiosity, optimism, devotion to his family, tolerance and the leadership skills of a kind and thoughtful human being. He had not had the opportunity for a formal education, and was slightly literate in Spanish. His sons and grandchildren have attended colleges all over the country, including but not limited to OSU, U of Portland, Chapel Hill, Duke and Harvard. He taught me much of what I know of humanity, possibility, and the virtues of an absence of materialism. And also, patiently, how to speak Spanish properly. He and his wife raised 6 wonderful sons in a safe community in a country with decent public education. However:

Farmworkers deserve a larger portion of the American food dollar.

The legislature needs to find a way to have consumers foot the bill.

Farmers need the seasonality of our work to be respected and taken into account.

We need a long term solution, not a few years of tax benefits. If I plant a new pear orchard it will just be coming into production in 6 years when the tax benefits have run out. Should I make that investment?

It is the responsibility of the legislature to craft a plan to pay me for the cost difference between my growing fruit in Oregon and my competition growing fruit in states without ag overtime. **And those costs should be covered until we have federal legislation requiring the same minimum wage and overtime costs throughout the entire country.**

