

February 21, 2022

Senate President Peter Courtney
House Speaker Dan Rayfield
900 Court St NE
Salem, OR 97301

Re: Agricultural Coalition Response to HB 4002A

President Courtney and Speaker Rayfield:

Our organizations have committed countless hours and resources over the last 13 months toward an agricultural overtime approach that would protect the health, safety, and economic opportunities of Oregon's agricultural workforce while minimizing the damage to our family farms and Oregon's rural communities. We joined work group meetings in 2021 to discuss policy options with proponents and hosted legislative tours to explain our businesses. We engaged Highland Economics in an analysis of Oregon's diverse agricultural sector and, ultimately, brought forward many creative policy options that reflect the unique needs of our specialty crop sector and livestock operations. We have discussed these issues in good faith with the intent to find a workable solution for Oregon agriculture—one that supports everyone who depends on farm income.

We are disappointed with proponents' unwillingness to engage us on policy considerations outside of their original proposal. We will not negotiate or agree to a policy that will result in the closure of our members' operations or the severe limitation of wages for farmworkers. HB 4002's transition period and tax credit, while well intentioned, will not offset the consequences of an eventual 40-hour overtime threshold, and will therefore result in the consolidation or dissolution of family farms and ranches across Oregon. These financial incentives will expire, and small farms will be forced to shift to less labor-intensive crops or sell out to private equity corporations. Workers' hours will be capped, forcing them to supplement their income. That's the reality of a 40-hour overtime threshold for agriculture.

We remain committed to working on a solution on agricultural overtime that maintains the viability of family farms and ranches and protects farmworker health. Both goals can be achieved by a policy that:

- (1) provides a higher hour threshold during peak farm weeks to accommodate those periods when weather, harvest and planting windows, and the needs of animals and crops dictate longer or unpredictable hours; and

- (2) provides a higher hourly threshold for operations that have year-round workforce needs; or
- (3) provides a higher wage threshold for agricultural workers who are paid a fair salary and still includes opportunity for overtime pay.

Our members have consistently communicated with legislative leadership and proponents alike concerning the need for a durable policy solution that includes the above components, as opposed to a temporary, limited financial incentive and an inflexible and unworkable threshold. Labor proponents have denied every overture to find a workable compromise and have ignored our requests for a more flexible threshold during peak harvest and planting times—a component all but two states in the country have included in their agricultural wage and hour laws.

The undersigned organizations share a desire for a legislative solution. However, with no sign of a willingness to find a pragmatic legislative solution to preserve farm jobs during the harvest and planting window or for those caring for livestock, our organizations would rather work through the regulatory process at the Bureau of Labor and Industries. There we will continue to make the case that we need a solution as diverse as our agricultural sector rather than face the closure of local farms and ranches.

Sincerely,

Tami Kerr, Oregon Dairy Farmers Association
Jeff Stone, Oregon Association of Nurseries
Dave Dillon, Oregon Farm Bureau Federation
Mike Doke, Columbia Gorge Fruit Growers
Tammy Dennee, Oregon Cattlemen's Association
Amanda Hoey, Oregon Wheat Growers League
Roger Beyer, Oregon Seed Council
Colleen Nihen, Associated Oregon Hazelnut Industries
Charles Ortiz, Willamette Valley Specialty Seed Association
Richard Kosesan, Oregon Sheep Growers Association
April Snell, Oregon Water Resources Congress
Joe McAlhany and Jake Stockfleth, Oregon Seed Association

Cc:

Senate Minority Leader Tim Knopp
House Minority Leader Vikki Breese-Iverson
Senate Labor and Business Committee Chair Kathleen Taylor
House Business and Labor Committee Chair Paul Holvey