



March 12, 2025

TO: Members of the House Committee on Labor and Workplace Standards

FR: Paloma Sparks, Oregon Business & Industry

RE: HB 2548 – Agriculture Workplace Labor Standards Board

Chair Grayber, members of the committee. For the record, I am Paloma Sparks, Executive Vice President & General Counsel for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, over 75% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

We are very concerned about how this bill undermines existing principles in Oregon law.

First, the -2 amendment eliminates BOLI's and DCBS's autonomy when responding to a rulemaking petition. Unlike the usual process under ORS 183.390, this bill would mandate that BOLI adopt rules. I am not aware of any other advisory board or committee advising either BOLI or DCBS that has the power to dictate agency actions. When a petition requires an agency to amend or repeal a current law, Oregon's APA requires agencies to ask the public to comment on the current rule and the agency must specifically request public comment on whether options exist for achieving the rule's substantive goal in a way that reduces the rule's negative economic impact. HB 2548 **requires** agencies to adopt rules implementing the standards established by the board.

Current law also directs agencies to consider a wide variety of factors including comments from the public. HB 2548 provides very limited circumstances when an agency can decline to adopt rules after a petition from the board. Given the way the bill is crafted, it is unclear if BOLI and DCBS rulemaking related to board recommendations will comply with the requirements of ORS 183.

Businesses are accustomed to rulemaking processes that violate the spirit of the APA. We are shocked to see a bill that literally directs an agency to violate both the spirit and letter of the APA.