



Representative Anna Williams
Oregon House District 52

March 9, 2021

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

As State Representative for House District 52, a district that relies on farmworkers' contributions to support its largely agricultural economy, I applaud House Bill 2358's efforts to protect farmworkers from wage and hour exploitation. It is clear that farmworkers are undervalued in our society, that they're under-compensated, and that we need to think about strategic ways to fix these problems. I support both the farmworkers who make a living in my district as well as the farmers who are a cornerstone of the regional economy.

However, I cannot support House Bill 2358 as written. The bill is noble in its intention, but I think it will disproportionately impact – and perhaps even existentially endanger – family farms in the Hood River Valley and elsewhere in the Columbia Gorge.

For some crops, such as the tree fruits for which my district is known, harvest windows are narrow, and fruit needs to be picked as quickly as possible. That means that long workdays are a part of the harvest process, and the pickers understand that. Indeed, growers I have spoken to expect that farmworkers would be upset about being limited in their ability to work as many hours as possible during these short windows. If workers were limited to an eight-hour shift at one orchard due to growers wanting to avoid overtime costs, they would likely pack up at the end of that shift and go to another orchard to work for the remaining hours of daylight, without benefiting from time and a half...in effect, nothing would change for them except for a slight *reduction* in pay for the time it took them to relocate to a second worksite.

As one grower explained to me, his employees look forward to harvest as the time they can earn as much as possible by harvesting at "piece rate" – getting paid according to how many fruits they pick. Outside of this harvest window, reliable income is not always as easy to come by. The grower in question voluntarily pays overtime during peak harvest season, but that is a rare privilege that he enjoys because he sells directly to retailers rather than selling to wholesalers as the average grower in my district does. I have long understood the Gorge as a place that farmworkers generally enjoy working because they are uniquely well-treated there, and I have seen firsthand growers' commitment to caring for the people they employ.

However, with workforces limited to eight-hour workdays, growers would need to take on extra employees to cover those extra hours, and absorbing the cost of doing so would not be easy: administrative and regulatory expenses go along with increasing the size of a workforce, possibly more so for agricultural workers than for any other workforce due to the required provision of workforce housing and utilities. The farmers in my district who I have talked to are happy to provide this housing, and want it to be comfortable and high-quality (for example, several orchardists I talked to over the spring and summer bristled at a suggestion that air-conditioned field tents might be used as COVID-safe housing, because it struck them as deeply disrespectful to farmworkers). The farmers in my district also help fund transportation, child care, and

educational programming for farmworkers, and these expenses could also increase dramatically if each farmer needs to hire more employees. I would certainly support a bill to increase farmworker wages if it allowed growers to credit some of these benefits toward the calculation of time and a half, or perhaps if it included a funding mechanism to reimburse farmers for housing and utility expenses if they are tasked with providing time and a half overtime pay.

The alternative to growers' expansion of their workforces, of course, would be to simply pay time and a half for the hours worked in excess of 40 hours. Here, it's important to understand the inconsistency of profit margins across the spectrum of crops produced in Oregon. The pears and apples that are produced in my district are not the subject of tens of billions of dollars in federal subsidies like some other crops grown in our state. These orchardists already operate at razor-thin margins due to existing regulations and a global market that does not respond to local increases in production costs. They are, as one grower said, "price watchers" -- they are subject to the whims of a market in which their competitors in other nations pay their workforces a tiny fraction of the going rates in Oregon -- and they simply could not afford to increase their labor costs by 20% or more as this bill would require. As another grower in my district recently titled his op-ed in the Capital Press, Oregon sometimes seems "the most expensive place to farm."

The ag producers that can absorb these additional costs are the ones that can only do so because they cut costs elsewhere: they operate at economies of massive scale, they are less respectful to their land, and most importantly they are less inclined to treat their workers with the dignity and respect that family farms in my district demonstrate. Massive ag conglomerates have been snatching up more and more formerly family-owned acres in my district for decades, redirecting profits from our fertile land to out-of-state company headquarters. Furthermore, the pressure to develop orchard parcels rather than continuing to pour money into low-margin farming operations has led to a decreasing number of pear trees and an increasing number of buildings in the Hood River Valley. While it bothers me that this has already changed the landscape and economy of my district, I am just as concerned that it also threatens the food security that communities there enjoy. Either way, piling another financial burden onto the shoulders of the ag families in House District 52 would accelerate the cascading collapse of our small farm economy. I think the effort to improve the labor rights of farmworkers needs to take these unintended consequences into account.

I regret that I am testifying in opposition to House Bill 2358, but I look forward to discussions with my colleagues about amendments that might bring me around to supporting it. Farmworkers deserve the support of our state government, but I would contend that if every farmer treated their workforces as well as Hood River Valley orchardists do, we may not need legislative intervention on this matter.

My Best,



Anna Williams
State Representative, House District 52